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OF THE

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OF THE

STATE OF NEW YORK.

ONE HUNDRED AND THIRTY-THIRD SESSION.

1910.

VOL. XI.—NO. 28.—PART 1.

ALBANY
J. B. LYON COMPANY, PRINTERS
1910

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STATE OF NEW YORK

THIRD ANNUAL REPORT

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OF THE

PUBLIC SERVICE COMMISSION

SECOND DISTRICT

FOR THE YEAR ENDED DECEMBER 31, 1909

COMMISSIONERS

FRANK W. STEVENS, Chairman
THOMAS M. OSBORNE
MARTIN S. DECKER
JAMES E. SAGUE
JOHN B. OLMSTED

VOLUME I

ALBANY
1910

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J. B. LYON COMPANY
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ALBANY NEW YORK

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LETTERS OF TRANSMITTAL

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 17, 1910.*

HON. HORACE WHITE,
Lieutenant-Governor,
Albany, N. Y.:

DEAR SIR: I have the honor to transmit herewith the report of the Public Service Commission, Second District, for the year ended December 31, 1909.

Very truly yours,
F. W. STEVENS,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 17, 1910.*

HON. JAMES W. WADSWORTH, JR.,
Speaker of the Assembly,
Albany, N. Y.:

DEAR SIR: I have the honor to transmit herewith the report of the Public Service Commission, Second District, for the year ended December 31, 1909.

Very truly yours,
F. W. STEVENS,
Chairman.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

To the Legislature:

The Third Annual Report of the Public Service Commission, Second District, for the year ended December 31, 1909, is herewith submitted, pursuant to the requirements of the Public Service Commissions Law, chapter 429, laws of 1907.

At the close of the year there were 811 corporations, municipalities, and individuals engaged in serving the public in some capacity, or incorporated for the purpose of rendering such service, that by operation of law placed them under the supervision of this Commission. The following is a classification of the same:

Steam Railroad Corporations:		
Operating	77	
Not operating, either inchoate or dormant	21	
Not operating, lessor	88	
		186
Street Railroad Corporations:		
Operating	81	
Not operating, either inchoate or dormant	41	
Not operating, lessor	17	
		139
Express Companies:		
Operating on steam and street railroads	6	
		6
Sleeping Car Company:		
Operating on steam railroads	1	
		1
Electrical Corporations and Plants:		
Operating	179	
Not operating, either inchoate or dormant	5	
Not operating, lessor	3	
Individuals operating plants	59	
Municipalities operating plants	46	
		292
Coal Gas or Water Gas Corporations:		
Operating	36	
Not operating, dormant	1	
Individuals operating plants	2	
		39

Coal Gas or Water Gas and Electrical Corporations:		
Operating	47	
Not operating, dormant	1	
Not operating, lessor	2	
		50
Natural Gas Corporations and Plants:		
Operating	40	
Not operating, lessor	2	
Individuals operating plants	10	
		52
Electrical and Natural Gas Corporations:		
Operating	2	
Not operating, inchoate	1	
		3
Coal Gas and Natural Gas Corporation:		
Operating	1	
		1
Acetylene Gas Corporations and Plants:		
Operating	19	
Individuals operating plants	11	
Municipalities operating plants	2	
		32
Gasoline Gas Corporations and Plants:		
Operating	14	
Individuals operating plants	4	
Municipality operating plant	1	
		19
Coal Gas and Natural Gas and Electrical Corporation:		
Operating	1	
		1
Gross total		821
Less duplications		10
Including unincorporated companies and persons		811

The number of operating steam railroad corporations includes the Northern Central Railway Company and The Pennsylvania Railroad Company. It does not include the Elmira and Lake Ontario Railroad Company or the Elmira and Williamsport Railroad Company, both of whose properties are leased to and operated by the Northern Central Railway Company. It does not include the Western New York and Pennsylvania Railway Company, whose properties are leased to and operated by The Pennsylvania Railroad Company. The two Elmira companies and the Western New York and Pennsylvania Railway Company are included in the number of lessor steam railroad corporations.

The number of operating steam railroad corporations includes the Buffalo Creek Railroad Company, which is technically leased to and operated by the Lehigh Valley Railroad Company and the Erie Railroad Company acting as a partnership. The operating figures are reported separately, however, and for this reason the Buffalo Creek Railroad Company is included in the statement as an operating company and not as a lessor company.

The following corporations submit two reports, one for street railroad operations and one for combined coal gas or water gas and electrical operations, and are included in the number of operating street railroad corporations and also in the number of operating coal gas or water gas and electrical corporations:

Albany and Southern Railroad Company.

Elmira Water, Light and Railroad Company.

Peekskill Lighting and Railroad Company.

Port Jervis Electric Light, Power, Gas and Railroad Company.

The following corporations submit two reports, one for street railroad operations and one for electrical operations, and are included both in the number of operating street railroad corporations and in the number of operating electrical corporations:

Cortland County Traction Company.

Lima-Honeoye Electric Light and Railroad Company.

Paul Smith's Electric Light and Power and Railroad Company.

St. Lawrence International Electric Railroad and Land Company.

The Citizens Railroad Light and Power Company is included in the number of lessor street railroad corporations and also in the number of lessor coal gas or water gas and electrical corporations.

Ontario Light and Traction Company is included in the number of lessor street railroad corporations and also in the number of operating electrical corporations.

The Fonda, Johnstown and Gloversville Railroad Company has both steam and street railroad operations, but reports only on the steam railroad corporation form and therefore is included only in the number of operating steam railroad corporations.

The Binghamton Railway Company is recorded as an operating street railroad corporation with electrical operations, but is included only in the number of operating street railroads, being

exempted by the Commission from reporting separately on its electrical operations. Also, the Buffalo and Lake Erie Traction Company is recorded as an operating street railroad with electrical operations, but is included only in the number of operating street railroads, being excused by the Commission from reporting separately on its electrical operations.

The Ulster and Delaware Railroad Company is recorded as an operating steam railroad corporation with electrical operations, but is included only in the number of operating steam railroads, being excused from making a separate electrical report, Inspector Hunter advising in June last that it occupies no public ways with its electrical operations.

At the beginning of the year the number of persons in the employ of the Commission was 88; at the end of the year the number was 93; an increase in number of 5 during the year.

The applications from corporations for various authorizations, permits, and the like, and the complaints from individuals against corporations, received during the years 1908 and 1909 were as follows:

	1908	1909	
Formal complaints	252	532	
Correspondence complaints	1147	1088	
Total number of complaints	1399	1620	
Applications from corporations	207	225	
Total complaints and applications	1606	1845	
Total for both years			3451

The number of applications and complaints disposed of during the year 1909 was as follows:

Applications received during 1908	40		
Applications received during 1909	161		
		201	
Complaints received during 1908	98		
Formal complaints received during 1909	378		
Informal complaints received during 1909	838	1314	
Total applications and complaints disposed of			1515

The total number of public hearings given by the Commission during the year was 415, and the number of days occupied in hearings was 202.

DIVISION OF LIGHT, HEAT, AND POWER

Changes in Operation: The Bainbridge Gas Company, furnishing gasoline gas in the village of Bainbridge, and M. P. Osborne, an individual engaged in furnishing electricity in the village of Camden, have ceased operations.

The Albany Southern Railroad Company, in pursuance of reorganization plans, has succeeded to the property and franchises of the Albany and Hudson Railroad Company and now owns and operates electric plants in the villages of Nassau, East Greenbush, North Chatham, Niverville, Valatie, Kinderhook, and Stuyvesant Falls, and gas and electric plants in the cities of Rensselaer and Hudson.

The Plattsburgh Light, Heat and Power Company, furnishing gas and electricity, and the Lozier Light and Power Company, furnishing electricity, both in the city of Plattsburgh, have consolidated under the corporate name "Plattsburgh Gas and Electric Company".

By merger, the gas plant and properties of the Watertown Gas Light Company are now owned and operated by the Watertown Light and Power Company.

The A. L. Swett Electric Light and Power Company now owns and operates the gas and electric plants in Albion and Brockport formerly owned and operated by the Albion Power Company, having secured same through receiver's sale. In the same manner the Middleport Gas and Electric Light Company secured and now operates the electric light plant formerly owned and operated by the Albion Power Company in Middleport.

Further changes in ownership and operation of plants have resulted from sales and transfers of works, systems, and franchises, as follows: By Warren Curtis, jr., to the Corinth Light and Power Company, a plant for the furnishing of electric service in the village of Corinth; by H. O. Klinck to F. A. Titus, a plant for the supplying of acetylene gas in the village of Shortsville; by Colonie Electric Company to Municipal Gas Company of Albany, a plant for the supplying of electric service in the town of Colonie; by Mutual Gas Company to Empire Gas and Fuel Company, a plant for the furnishing of natural gas in the

villages of Andover, Alfred, Greenwood, and Whitesville; by the Brushton Electric Light Company to the Nicholville Electric Light Plant, a plant for the furnishing of electric service in the village of Brushton; by the Nyack Gas Light and Fuel Company, its plant for the furnishing of water gas in the villages of Nyack, South Nyack, and Upper Nyack, to the Rockland Light and Power Company; by G. K. Seymour to Port Leyden Electric Light and Power Company, a plant for the furnishing of electric service in the village of Port Leyden; by S. A. Marvin et al. to New Angola Gas Company, a natural gas plant in the village of Angola.

New Plants: In the following table is given a list of corporations and municipalities which have received permission to construct, the names of the communities in which rights under franchises will be exercised, and the character of the service to be furnished. Several of these plants are now operative.

Plant of	Locality.	Service.
Arcade Municipal Plant	Arcade	Electricity.
Churchville Oil & Natural Gas Co.	Churchville	Nat. gas.
Deer River Power Co	Copenhagen	Electricity.
Dwaas Electric Co	Town of Clifton Park, grounds of Round Lake Association	Electricity.
Arthur Hind	Town of Kirkland	Electricity.
Pawling El. Lt., Ht. & Pr. Co	Pawling	Electricity.
Rensselaer Falls El. Lt. & Pr. Co	Rensselaer Falls	Electricity.
William Stock	Hannibal	Electricity.
Sylvan Beach, area or territory of	Sylvan Beach	Electricity.
Charles Austin Borst	Village limits of Clinton	Electricity.
Vestal Lighting Co	Vestal	Electricity.
Hilton El. Lt., Pr. & Ht. Co	Hilton	Electricity.
Saranac Lake Gas Co	Saranac Lake	Water gas.
Hoosac River Elec. Lt. & Pr. Co	Valley Falls	Electricity.
Alfred Huntington	Sinclairville	Electricity.
Mineville Light, Ht. & Pr. Co	Mineville and Witherbee	Electricity.

Additional Franchises Exercised: Corporations heretofore operative applied for and received consent to the exercise of rights and privileges under new or dormant franchises as set forth in the following table, in which is also given the names of the municipalities granting the franchises and the kind of service that will be supplied.

Plant of	New franchise exercised.	Service.
Babylon Electric Light Co.	Farmingdale	Electricity.
Berlin El. Lt., Ht. & Pr. Co.	Petersburg	Electricity.
Crystal City Gas Co.	Town of Corning	Nat. gas.
Despatch Ht., Lt. & Pr. Co.	Victor	Electricity.
Municipal Gas Co.	Elsmere, Delmar, and Slingerlands	Electricity.
Pavilion Natural Gas Co.	Towns of Middlebury, Warsaw, Covington, and Perry; villages of Warsaw and Perry	Nat. gas.
Port Jefferson El. Lt. Co.	Mount Sinai, Miller Place, Rocky Point, Shoreham, Wading River	Electricity.
Rensselaer Falls El. Lt. & Pr. Co.	Town of DeKalb and village of DeKalb Junction	Electricity.
Rochester Railway & Light Co.	Town of Greece	Mixed gas & Electricity.
A. L. Swett El. Lt. & Pr. Co.	Village of Lyndonville, town of Yates	Electricity.
Wetmore Electric Co.	Beaver Falls and Naumburg.	Electricity.
Orange & Rockland Electric Co.	Town of Warwick	Electricity.

Exercise of General Powers: The Commission has investigated and ascertained from time to time the quality of gas supplied by persons, corporations, and municipalities, the results being given in detail in pages following.

The gas supplied by a number of corporations having been found frequently to be below the prescribed standards of illuminating power and purity, the Commission on its own motion examined the plants of the delinquent corporations and investigated the methods of manufacture and distribution employed by them. The corporations, 33 in number, whose plants were thus examined furnish gas in Brockport, Canastota, Clifton Springs, Cooperstown, Cortland, Fishkill, Fort Plain, Fredonia, Glen Cove, Glens Falls, Granville, Haverstraw, Hoosick Falls, Huntington, Ithaca, Kingston, Mechanicville, Newark, Newburgh, Niagara Falls, Oneida, Oneonta, Owego, Penn Yan, Rensselaer, Rome, Sag Harbor, Sandy Hill, Saratoga, Suffern, Tonawanda, Warsaw, and Waterville.

At 26 plants these examinations disclosed the need for betterments, either in gas making appliances or in methods of manufacture and purification, and specific recommendations, based on findings of the inspector, were made to each company. Seven

corporations were found upon investigation to have instituted initial betterments of their own accord in the endeavor to furnish gas in conformity with the required standards. Action by the Commission was deemed unnecessary in each of these instances.

A number of other examinations were made of the plants and distribution systems of both gas and electrical corporations, with particular respect to safety of operation, adequacy of service, and extensions of service. When justified by the circumstances, appropriate steps were taken to require such improvements as were deemed necessary to promote the public interest and to secure the maintenance and operation of the plants in compliance with the provisions of law and of the franchises and charters of the respective corporations. These examinations generally were made upon complaints. In most cases requiring remedial action the desired improvements were secured without the necessity of instituting formal proceedings.

Upon complaint, and after inquiry into all the circumstances, extensions of the distribution mains of gas and electrical corporations were secured in the following cases: By the Troy Gas Company, the extension by its electrical department of distribution lines approximately 3000 feet to an outlying district in the city of Troy known as Sycaway; by the Nassau and Suffolk Lighting Company, upon application of property owners in the village of Freeport, the extension of its gas mains about 4000 feet to supply service in the Bay View section of the village of Freeport; and by the Syracuse Lighting Company, upon the application of upwards of eighty residents of the city of Syracuse, the extension of the gas mains of the company approximately 13,000 feet to supply service in a section of the city known as the James Street Heights Tract.

In cases involving the supplying of service to one or only a few persons, extensions of gas or electrical mains for comparatively small distances were made by seven corporations. The action of the corporation in each case followed upon the recommendation of the Commission on complaint being received.

The plants and distribution systems of the Delhi Electric Company, Norwood Electric Light and Power Company, Mexico Electric Company, Consolidated Light and Power Company of White-

hall, Port Jervis Electric Light, Power, Gas and Railroad Company, Orange County Power Company, and the Fonda, Johnstown and Gloversville Railroad Company as to its transmission lines in the village of Akin, were, upon complaint; and of the Nassau Light and Power Company, Riverhead Electric Light Company, Hallett Light and Power Company, Utica Gas and Electric Company (at Chadwicks), and the Kanes Falls Electric Company, upon motion of the Commission, inspected and examined as to safety. Upon reports of the inspector the Delhi Electric Company, Riverhead Electric Light Company, Hallett Light and Power Company, and Port Jervis Electric Light, Power, Gas and Railroad Company, were directed to show cause why extensive improvements, specifically set forth, should not immediately be made. In each case the betterments required were provided, to the protection of the public, the consumers, and those employed by the corporations.

The variety of informal matters receiving attention under this classification may, without the citation of further specific cases, be summarized under the subject following.

Correspondence Complaints: Attention was given to 150 correspondence complaints in matters pertaining to the work of this Division. Of these, 28 were brought forward from last year, 18 were made into formal cases; the differences presented in 106 were satisfactorily adjusted, and 44 are still pending. The subjects of these complaints may be classified generally as follows: (1) service, including refusal to extend mains and wires and to supply service, and the adequacy and quality of service; (2) rates, with reference generally to prices charged for gas and electricity in individual cases, minimum charges, discounts on bills, and unjust discrimination; (3) safety of plants and distribution systems; (4) bills rendered, including alleged excessive bills for gas and electricity, installation charges, and meter rentals; (5) cash deposits from consumers; (6) noncompliance with franchise conditions; and (7) various miscellaneous matters.

Consumers' Deposits: Pursuant to section 63 of the Transportation Corporations Law, gas and electrical corporations are empowered to require of each consumer supplied by them the

deposit of a sum of money as security for the payment for certain services rendered. This provision of law reads as follows:

> Every gas light and electric light corporation may require every person to whom such corporation shall supply gas or electric light for lighting any building, room or premises to deposit with such corporation a reasonable sum of money according to the number and size of lights used or required, or proposed to be used, for two calendar months, by such person, and the quantity of gas and electric light necessary to supply the same, as security for the payment of the gas and electric light rent or compensation for gas consumed, or rent of pipe or wire and fixtures, to become due to the corporation, but every corporation shall allow and pay to every such depositor legal interest on the sum deposited for the time his deposit shall remain with the corporation. (Chap. 219, sec. 63, laws of 1909.)

The necessity of vesting these corporations with such authority arises in large part from certain obligations imposed upon them by law. Unlike concerns engaged in private enterprises, these public service corporations are not privileged to select the customers with whom they deal: they may not supply service alone to those whose credit is good and refuse to serve those of doubtful financial responsibility. The facilities furnished by them are, with certain limitations, available alike to all who may apply to be supplied.

Moreover, the business of these corporations with the public must of necessity be transacted on the credit basis. The supply of gas and electricity to each consumer can not be measured in advance of its use, which may vary from day to day. It is commercially practicable to determine the indebtedness of each consumer only at the expiration of fixed periods of time. Credit must be extended for these periods. As a matter therefore of good business practice, it undoubtedly is necessary at times for the corporations to secure themselves against loss. This necessity is recognized by the Legislature, which in the enactment, originally in 1890, of the provision of law quoted above, defined the method by which the accounts of these corporations with their patrons may be secured.

For the information of the Commission as to the extent to which the corporations under its supervision have availed themselves of the privilege of exacting deposits from consumers and the methods generally employed in the exercise of the privilege, the following resolution was adopted August 23, 1909:

Resolved, That all gas corporations and electrical corporations under the jurisdiction and supervision of this Commission be and are hereby required to file with the Commission on or before November 1, 1909, a report, for which purpose blank forms will be supplied by the Commission, showing in respect to the legal right of such corporations to exact from consumers of gas and electricity a deposit of a reasonable sum of money as security for the payment of the gas and electric light rent, or compensation for gas consumed, or rent of pipe or wire and fixtures:

1. The practice of such corporations in requiring said deposits; when the practice was inaugurated and when discontinued, as the case may be.
2. The present total number of consumers.
3. The present total number of consumers having deposits.
4. The minimum and maximum amount of deposits required and the average amount of all deposits on hand.
5. The total amount of deposits now on hand.
6. The use made of deposit funds.
7. The total number of consumers who have made deposits and have since discontinued service without withdrawing their deposits.
8. The principal of the deposits on hand covered by the preceding question, and the accrued interest to date at the legal rate.
9. The number of withdrawals of deposits that have been made to date, the amount thereof, together with interest allowed, giving the principal and interest separately, and the rate of interest allowed on such deposits.
10. The number of withdrawals disapproved to date, the amount thereof, and the reasons for disapproval.
11. The method of recording deposits.
12. The rules and regulations of each corporation respecting withdrawals of deposits.
13. A copy in blank of the receipt given.

The requirements of this resolution were substantially met by the 474 corporations (including persons and municipalities engaged in supplying gas or electricity) in the District. From the returns, information was secured and is here given as to (1) the extent of the practice of these corporations in requiring deposits; (2) the sums of money customarily required; (3) the practice in respect to allowing and paying interest; (4) the practice in respect to deposit withdrawals; (5) the methods of recording the sums received; and (6) the practice of the corporations in respect to informing the depositor, by rules and regulations or otherwise, of the terms and conditions upon which the security is required, held, and may be withdrawn.

I. Extent of the Practice: One hundred and twenty-nine corporations reported that they now, and have for varying periods of time past, require of certain classes of consumers deposits of sums

of money as security for the payment of bills. The aggregate amount of deposits on hand is approximately $468,000, paid in by upwards of 51,000 consumers. To date there have been returned to depositors, either directly by refunding or indirectly through credits to their accounts, deposits exceeding $1,000,000 in amount.

The practice of requiring deposits is followed by all of the larger corporations as well as by a number of smaller plants. The class of consumers affected is confined chiefly to non-property owners, non-taxpayers, hotels, restaurants, saloons, transients, and generally those who by reason of large consumption or financial irresponsibility should, in the judgment of the supplying company, give security.

II. Practice in Respect to Deposit Amounts: The deposit most commonly exacted from residential consumers of gas and electricity and small consumers is $5. A few returns show minimum amounts as low as $1 and maximum amounts of $10.

From transient large consumers such as moving picture shows, and generally from saloons, restaurants, and hotels, deposits of much larger amounts are required. Two deposits amounting each to $500 are reported as received by two companies. One of these sums is explained as securing one month's service furnished by a gas and electrical corporation to a hotel. Another, a gas company, reports a maximum deposit of $300. The maximum sums reported by still another company are $150 each for gas and electric service. Each of these is an instance of exceptional practice. Security in excess of $25 is stated to be required by 21 corporations supplying gas and 23 corporations supplying electricity.

III. Practice in Respect to Interest Allowance: Referring to the provisions of the Transportation Corporations Law heretofore cited, it will be noted the law provides that "every such corporation shall allow and pay to every such depositor legal interest on the sum deposited for the time his deposit shall remain with the corporation". This requirement is not generally observed.

Of the 129 corporations requiring deposits, 9 state positively that they do not allow interest, 63 fail to mention the subject, and not to exceed 56 indicate more or less directly that they "allow and pay" interest on the sums deposited.

Regarding the practice of the 56 corporations who recognize the interest obligation, several state that interest is allowed but only paid when demanded. Several others report the payment of interest only on time deposits.

A few reports mention the fact that interest is not allowed or paid when the deposit is credited against unpaid bills.

With one exception, it appears that payments of interest are not made until discontinuance of the service and withdrawal of the security. One company allows and pays interest on all deposits yearly. And it may be stated to be the general practice upon the part of the corporations to cease the allowance of interest upon termination of the service, though the security continues to remain on deposit.

Written notice of the allowance of interest is given by 22 corporations. Included among those not giving such notice are several corporations who report the payment of interest only on demand.

Six per cent as the maximum rate of interest is allowed by 52 corporations, 5 per cent by 2 corporations, and 3 per cent by 1 corporation. The minimum rate of 5 per cent is reported allowed by 3 corporations, of 4 per cent by 3 corporations, of 3½ per cent by 2 corporations, and of 3 per cent by 1 corporation.

IV. Practice in Respect to Allowing Deposit Withdrawals: As deposits are exacted as security for the discharge of obligations owed by consumers to the corporations, it naturally follows that in all cases the withdrawal of a deposit is predicated upon the satisfaction of the indebtedness.

Where printed rules and regulations are distributed, this condition is almost invariably inserted as one of the requirements to be observed. Where not expressed, it may safely be implied. And it naturally follows as a sequence of this condition that the deposit is applied on the account of any consumer in default, and he thereupon receives in return, or is entitled to have returned, only the remaining balance. Several of the reports mention instances of individual unpaid indebtedness at the time of discontinuance of service exceeding the amount of the deposit, and it is not improbable that this situation frequently arises.

It should be noted that in addition to the above requisite to the withdrawal of deposits, 29 corporations serve printed notice upon

consumers that the surrender of the deposit certificate is a condition precedent to the return of the deposit. What the policy is of the corporations in case the certificate is lost, as may reasonably happen after the lapse of considerable time, is not made known except by two corporations: these corporations provide a release in blank to be subscribed to by the depositor, who binds himself to reimburse the company for any cost or expense incurred on account of the original certificate being presented for payment.

The returns combined show that at present deposits amounting approximately to $11,000 are held paid in by consumers to whom service is no longer furnished. This amount is offset, though to what extent is not shown, by the unpaid bills of these depositors. The returns further show that the corporations have to date paid back to 122,130 consumers deposits in the aggregate amount of $1,095,557.62, of which amount $999,323.82 was returned to 118,623 consumers of gas, and $96,233.80 was returned to 3507 consumers of electricity.

V. Practice in Recording Deposits: Seventy-four corporations report that deposits received by them are recorded by appropriate cash book and ledger entries. The reports of these corporations are not definite enough upon this subject to determine in all instances the exact accounts carried.

The reports of the remaining 55 corporations are definite enough, however, to indicate that in many instances the methods of accounting are, in respect to this matter of consumers' deposits, very lax. Two corporations report having no method of recording deposits; one reports no entry of deposits carried for less than a year; the records of one company consist of "memoranda"; another company simply places the deposits in the cash drawer; two enter deposits under "accounts receivable" and one under "accounts payable"; four keep the deposits in the safe, each in a separate envelope indorsed with pertinent data; five companies make only cash book entries. These instances may suffice to illustrate the point. They, of course, are examples of bookkeeping methods employed by some of the smaller plants.

VI. Practice in Respect to Rules and Regulations: Few of the corporations have printed rules and regulations for the instruction and guidance of their patrons in matters pertaining generally

to gas and electric service. And in the printed rules filed, 15 in number, reference is not made to deposits except, if at all, in respect to the fact that they are required.

Fifty-three corporations, however, issue printed certificates of deposit, on the face of which invariably appear the terms and conditions heretofore described upon which the return of the moneys may be secured. The remainder issue ordinary receipts only without accompanying information or instructions except such as may be given verbally.

This subject will receive the further attention of the Commission, but the investigation has not yet reached the point which makes it possible to indicate what its final action will be.

Calorific Power of Gas: In the Commission's report for the year 1908 attention was directed to the fact that an examination into the gas supply had been begun with the view to determining upon the necessity of fixing a standard of heating value as the proper measure of the real value of gas. The examination, which may be regarded as of a preliminary nature, was completed in October, 1909, and the results embodied in a report to the Commission by the Chief of the Division. This report follows:

To the PUBLIC SERVICE COMMISSION, SECOND DISTRICT, *Capitol, Albany, N. Y.:*

GENTLEMEN: With your approval this Division began, in August, 1908, an investigation into the subject of the calorific power and illuminating power of the coal gas, carburetted water gas, and mixed coal and carburetted water gas supply. The particular object of the investigation was to ascertain the relative importance of heating power and illuminating power as a standard for the measurement of the real value of gas. Its general scope included: (1) the making of a series of tests to determine the calorific values of the coal gas, carburetted water gas, and mixed coal and carburetted water gas supplied by the several gas corporations operating within this jurisdiction; (2) the making, contemporaneously with each of the calorific tests, a test to determine the illuminating power of the gas; (3) a study of the relation, if such exist, between the calorific value and the illuminating value of the gas; (4) an inquiry into the approximate proportion of the total gas supply that is used for such purposes and in such manner as to make its heating power a factor of prime importance; (5) an

examination into the merits of different types of calorimeters; and (6) the ascertaining of the gas heating power requirements in force in other governmental jurisdictions.

This report, respectfully submitted for the information of the Commission, summarizes the results of the study, which may be regarded as work of a preliminary nature in a broad field of inquiry.

As an appendix to the report is submitted in tabular form the results in detail of the field work, this branch of the investigation having been commendably conducted under the immediate supervision of the Chief Inspector of Gas, Charles H. Stone.

Importance of the Subject.

Gas engineering attention generally is directed to the desirability of measuring gas, in its present day use, by a heat unit standard rather than by the photometric standard, the method in use for so many years. Modern appliances have very largely changed the mode of using gas for lighting and extended the field of its consumption for heating and fuel purposes. The use of incandescent or heated "mantles" in gas light production in place of open-flame burners commonly used in former years, the wide employment of gas engines for power generation, and the largely increased use of gas for domestic heating and cooking have created a situation resulting in the increased importance of maintaining a reasonable and uniform heating power in gas and in the restricted importance of its illuminating power.

Existing Calorific Standards.

This situation has in certain countries, particularly in Germany and England, received recognition in the adoption of calorific standards to be maintained in the gas supply.

In England, by act of Parliament this year, the Gaslight and Coke Company, the largest of the three metropolitan gas companies supplying gas in London, becomes obligated after January 1, 1910, to furnish gas of a prescribed heating power as well as in conformity with the long established candle-power requirements. The act prescribes a standard calorific power of 125 calories net per cubic foot of gas, which is approximately equivalent to a standard of 550 B. T. U. gross per cubic foot. The act also carries with it a penalty of £25 to £100 if two calorific power tests in any one day show an average of less than 106½ calories net per

cubic foot, or the equivalent to about 470 B. T. U. gross. While this case is not the only instance of the enforcement of a gas heating standard in England, as the first official act of Parliament in establishing such standard it is reasonably indicative of future lines of governmental action both abroad and in this country.

The Tottenham and Edmonton Gas Company, England, by agreement reached in 1906, has since that year been distributing, with penalty for noncompliance, a gas of stipulated heating value, the illuminating standard also remaining in force. The calorific standard in this case is 450 B. T. U. net per cubic foot.

In Liverpool the municipal authorities for several years have been engaged in determining by daily readings, for information, the calorific power of the gas supplied in that city by the United Gaslight Company.

In Germany the question of the proper present day measurement of gas was carefully examined into by a committee of chemists, who reported as the result of their deliberations that the gas supplied in Germany should have a gross calorific power, expressed in English terms, of about 543 B. T. U. Moreover, the committee reached the conclusion that the fluctuations from this standard should be limited as far as possible, and recommended that the heating value should in no instance fall below 522 B. T. U. The Germans, in pursuance of these recommendations, are now mostly supplied with gas the value of which is determined by its heating power.

The standards thus adopted are not cited for comparison with the calorific values of gas in this country, nor as a guide to any action this Commission may deem wise to take in the matter of adopting such standards, but as illustrative of the advance in the movement and of its rapid development in foreign countries. A discussion therefore of the kinds of gas manufactured abroad and of other important factors and conditions of the supply and methods of test is not pertinent to the purposes of this report.

In this country the practice of calorimetry is by no means so marked. Several municipalities in different States have prescribed calorific standards with which in the respective communities the gas supplied must comply. Dallas, Tex., and Omaha, Neb., have respectively fixed standards of 650 B. T. U. and 600 B. T. U. gross. The only State which has acted in the matter is

Wisconsin, where until 1908 no statutory requirements whatsoever as to the quality of gas existed. In that year, following tests made at various plants in the State, and a most careful examination into the subject generally, the Railroad Commission of Wisconsin adopted the following regulation:

The company furnishing gas which, within a one mile radius from the distribution center, gives a monthly average total heating value of not less than 600 B. T. U., with a minimum which shall never fall below 550 B. T. U., may be considered as giving adequate service as far as the heating value of the gas is concerned.

As far as the illuminating value of the gas is concerned, the Commission reached the conclusion that "the candle-power standard which has been almost universally used in the past for gas measurements is of minor importance in this State," and comments further upon the subject, as follows:

It is possible to secure a high candle-power gas which has but a moderate heating value, and to require companies to maintain a double standard which shall insure both the high heating value and a high candle-power, would surround them with such restrictions that economy in manufacture might not be attained; and since but few consumers would be benefited by a candle-power restriction, and with this number continually decreasing, no regulations as to candle-power are prescribed at this time. It should be added, however, that with a 600 B. T. U. heating standard, and in view of the conditions under which gas is being manufactured in this State, a fairly satisfactory illuminating value is insured. It is hardly possible to manufacture a coal gas of 600 B. T. U. which shall not have a candle-power from 12 to 16, or even more. The enrichment of a water gas up to 600 B. T. U. will insure an even higher candle-power.

In New York state uniformity in the quality of gas has for some years been sought to be secured through general and special laws establishing illuminating power and purity requirements. The subject of gas calorimetry has heretofore not received governmental recognition, state or municipal, except in the city of Auburn, where by agreement entered into in 1906 between the municipality and the Auburn Gas Company it is provided that the mixed gas supplied by the company in that city shall have an illuminating power of not less than 18 candles and a heating power of not less than 600 B. T. U. gross. Neither is the practice of gas calorimetry voluntarily followed in this State except by a few of the larger companies.

Investigation into the subject by this Commission was begun therefore with practically no information at hand of the heating value of the gas furnished in this State.

Characteristic Features of the Investigation.

Coal gas is supplied in the Second Public Service District by 43 companies, carburetted water gas by 44 companies, and mixed gas by 6 companies. Several of these companies at times vary the kind of gas produced.

The alternative was presented of making a few tests of the gas of each of this large number of companies or a large number of tests of the gas of a few companies. The difficulty of the latter method lay in the selection of the plants; and the former plan was adopted in the belief that the averages of chance in meeting with exceptional conditions of gas manufacture were approximately equal either way, and that the results obtained under the former plan would fairly represent, as we believe they do, the mean of all the gas supplied.

It was deemed impracticable in connection with the regular gas inspection work to make more than one calorific test of the gas of each plant in each of the four seasons of the year, more so by reason of the special candle-power tests planned to be made in each instance for comparative purposes.

Preliminary to beginning these tests a careful study was made of the different makes and types of calorimeters on the market, resulting in the selection of the Junker calorimeter as best adapted to our field work and general requirements. The thermometers of the instrument purchased were carefully checked for accuracy. The original results of each inspection, both calorific and candle-power, were checked with supplemental tests, and rejected unless falling within the narrow limits of prescribed accuracy. In general, all reasonable precautions were taken to insure the collection of data which would put the Commission in possession of accurate and reliable information on the subject.

Upwards of seven hundred original tests were made and recorded, divided equally between calorific tests and candle-power tests, the results of which are summarized and commented upon in the following pages.

In all cases reference to B. T. U. means the gross British Thermal Units, or the total heat produced in burning one cubic foot of gas. The accepted expression in this country of calorific values is in terms of the British Thermal Unit, which is the heat required to raise one pound of water (at its maximum density of about 39 degrees Fahr.) one degree Fahrenheit.

Calorific Powers of the Gas Supply.

TABLE I: Showing the number of plants supplying coal gas, carburetted water gas, and coal gas with an admixture of carburetted water gas, the number of calorific tests made of each kind of gas, and the lowest, highest, and average B. T. U.:

	Kind of gas.		
	Coal.	Water.	Mixed.
Number of plants	43	44	6
Number of tests	165	173	14
Lowest B. T. U.	544	501	559.5
Highest B. T. U.	737	802.6	689
Average B. T. U.	637.8	626.3	622.3

The mean calorific value of the gas supplied within this jurisdiction, determined from all the tests, is 631 B. T. U.

The average B. T. U. of coal gas exceeds this general average 1 per cent, that of water gas falls below it by 0.7 per cent, and of mixed gas by 1.3 per cent.

The wide gamut run between the minimum and maximum B. T. U. of each kind of gas is illustrated in comparison with the averages in the following table:

TABLE II: Comparison of B. T. U. averages:

Gas.	Average.	Lowest.	Variation from average.	Per cent variation.	Highest.	Variation from average.	Per cent variation.
Coal	637.8	544	93.8	14.8	737	99.2	15.6
Water	626.3	501	125.3	20.0	802.6	176.3	28.1
Mixed	622.3	559.5	62.8	10.1	689	66.7	10.7

The explanation of these figures naturally lies in the fact that gas calorimetry is practiced by only a few of the gas corporations, and these the larger ones, for their own information, and that there exists no legal requirements for the maintenance of a uniform heating power. A further explanation may be found in the table which follows:

TABLE III: In which is presented the number of tests of each kind of gas showing B. T. U. of given values, the calorific values being arranged serially in groups of 25 B. T. U. each:

Number of tests of			Showing calorific values of
Coal gas.	Water gas.	Mixed gas.	
0	5	.....	500 B. T. U. to 524 B. T. U.
1	4	.....	525 B. T. U. to 549 B. T. U.
12	20	3	550 B. T. U. to 574 B. T. U.
21	27	1	575 B. T. U. to 599 B. T. U.
30	41	3	600 B. T. U. to 624 B. T. U.
41	24	4	625 B. T. U. to 649 B. T. U.
30	19	2	650 B. T. U. to 674 B. T. U.
13	17	1	675 B. T. U. to 699 B. T. U.
8	7	.....	700 B. T. U. to 724 B. T. U.
6	3	.....	725 B. T. U. to 749 B. T. U.
2	3	.....	750 B. T. U. to 774 B. T. U.
1	2	.....	775 B. T. U. to 799 B. T. U.
.....	1	.....	800 B. T. U. to 824 B. T. U.
165	173	14	

Analysis of the figures appearing in this table shows that the average range of existing calorific values is between 550 B. T. U. and 700 B. T. U. Values outside this minimum and maximum, while interesting and important as illustrating the limits of heating power actually being reached, may generally be attributed to exceptional conditions of gas manufacture at particular plants. Several instances may be cited.

The gas of one company supplying carburetted water gas was found upon one test to have a heating power of 802.6 B. T. U. This company supplies a very superior quality of gas the year through in the endeavor to satisfy the special lighting requirements of large textile factories in its territory of operation. The average calorific value of its gas was found to be 756.2 B. T. U., the average illuminating power 28.8 candles.

One of the two water gas companies whose gas upon one test showed a heating power of between 775 and 779 B. T. U. was found to be making gas of an average calorific value of 701.6 B. T. U. The average candle-power was 23.9 candles. This company, operating in a small community, without special need distributes a gas considerably above the statutory requirements. The other water gas plant, having upon one test a gas of 775 B. T. U., upon another test was found to have a gas of only 506 B. T. U. Upon the former test the illuminating power was found to be 22 candles; upon the latter test, 14.9 candles.

These instances suffice to show that the exceptional conditions of manufacture heretofore mentioned may be due either to special exigencies, disregard of economies, or laxness in methods.

Referring now to the 10 companies whose gas showed heating power of less than 550 B. T. U., the works and methods employed by all of these companies except one, by reason of the inferior quality of gas supplied, have heretofore been examined by the Commission, resulting in recommendations that specific improvements be made. These instances, therefore, of extreme calorific values in gas may be explained as due to poor management, inadequate plants, or both. Eliminating upon these grounds all those tests showing in the above table calorific values in excess of 700 B. T. U. and less than 550 B. T. U., the following table, giving the remaining tests, fairly indicates the results to be obtained under present average conditions of gas manufacture in this jurisdiction:

TABLE IV: In which is presented the number of tests of each kind of gas and the per cent of the total tests, showing B. T. U. of given values under present average conditions of gas manufacture, the calorific values being arranged serially in groups of 25 B. T. U. each:

Number and per cent of tests of—						Showing calorific values of—
Coal gas.		Water gas.		Mixed gas.		
Number of tests.	Per cent of total.	Number of tests.	Per cent of total.	Number of tests.	Per cent of total.	
12	8.2	20	13.5	3	21.4	.....550–574 B. T. U.
21	14.3	27	18.3	1	7.1	.....575–599 B. T. U.
30	20.4	41	27.7	3	21.4	.....600–624 B. T. U.
41	27.9	24	16.2	4	28.6	.....625–649 B. T. U.
30	20.4	19	12.8	2	14.3	.....650–674 B. T. U.
13	8.8	17	11.5	1	7.2	.....675–699 B. T. U.

From these figures it may be seen that without the endeavor of the gas producers in this State being directed by any statutory or local requirements to the maintenance of a reasonable heating power in gas, all of the above tests, made presumably under normal conditions of manufacture, show calorific values in excess of 550 B. T. U.; and 77.5 per cent of the tests of coal gas, 68.2 per cent of the tests of water gas, and 71.5 per cent of the tests of mixed gas disclosed heating values of over 600 B. T. U.

Based upon all the tests made and not upon the above selected number, we find, reverting to the figures given in Table II, the heating power of the gas supply to be in excess of 600 B. T. U., (1) of coal gas, 79.4 per cent of all tests; (2) of water gas, 63.6 per cent of all tests; and (3) of mixed gas, 78.6 per cent of all tests. We further find that inclusive of all tests made the gas supply fell below 550 B. T. U. in 0.6 per cent of the tests of coal gas, 5.2 per cent of the tests of water gas, and not at all in the tests of mixed gas.

Comparative Figures of Heating Power and Illuminating Power.

The results of the candle-power tests are summarized in Tables V, VI, and VII, in which are shown, respectively for coal gas, water gas, and mixed gas, the minimum, maximum, and average of the candle-powers existing at the time the B. T. U. values given opposite each candle-power figure were determined. The figures in each table under the column entitled "Number of tests" represent alike the number of candle-power tests and the number of heat unit tests.

TABLE V: Showing comparative results of contemporaneous tests of the heating power and candle-power of coal gas:

Heating power.	Number of tests.	Candle-power.		
		Minimum.	Maximum.	Average.
500 B. T. U. to 524 B. T. U.	0	.....	.....	.....
525 B. T. U. to 549 B. T. U.	1	11.0	11.0	11.0
550 B. T. U. to 574 B. T. U.	12	11.7	19.8	14.5
575 B. T. U. to 599 B. T. U.	21	12.4	16.7	15.1
600 B. T. U. to 624 B. T. U.	30	12.7	20.4	15.7
625 B. T. U. to 649 B. T. U.	40	13.0	17.9	16.2
650 B. T. U. to 674 B. T. U.	30	14.3	18.9	16.7
675 B. T. U. to 699 B. T. U.	13	16.3	19.2	17.6
700 B. T. U. to 724 B. T. U.	8	15.6	19.4	17.1
725 B. T. U. to 749 B. T. U.	6	16.7	18.9	17.6
750 B. T. U. to 774 B. T. U.	2	17.6	17.7	17.7
775 B. T. U. to 799 B. T. U.	1	18.9	18.9	18.9
800 B. T. U. to 824 B. T. U.	0	.....	.....	.....

TABLE VI: Showing comparative results of contemporaneous tests of the heating power and candle-power of water gas:

Heating power.	Number of tests.	Candle-power.		
		Minimum.	Maximum.	Average.
500 B. T. U. to 524 B. T. U.	5	14.1	20.8	16.7
525 B. T. U. to 549 B. T. U.	4	12.1	16.6	15.0
550 B. T. U. to 574 B. T. U.	20	14.4	21.6	19.0
575 B. T. U. to 599 B. T. U.	27	15.5	24.0	20.2
600 B. T. U. to 624 B. T. U.	41	11.1	23.6	20.4
625 B. T. U. to 649 B. T. U.	22	17.6	31.5	21.5
650 B. T. U. to 674 B. T. U.	19	19.1	25.5	21.5
675 B. T. U. to 699 B. T. U.	17	20.2	26.9	22.4
700 B. T. U. to 724 B. T. U.	7	19.5	25.8	22.9
725 B. T. U. to 749 B. T. U.	3	22.3	29.6	26.7
750 B. T. U. to 774 B. T. U.	3	25.1	30.5	27.1
775 B. T. U. to 799 B. T. U.	2	22.0	27.0	24.5
800 B. T. U. to 824 B. T. U.	1	27.1	27.1	27.1

TABLE VII: Showing comparative results of contemporaneous tests of the heating power and candle-power of mixed gas:

Heating power.	Number of tests.	Candle-power.		
		Minimum.	Maximum.	Average.
550 B. T. U. to 574 B. T. U.....	3	13.7	19.2	16.6
575 B. T. U. to 599 B. T. U.....	1	16.7	16.7	16.7
600 B. T. U. to 624 B. T. U.....	3	15.2	20.6	17.4
625 B. T. U. to 649 B. T. U.....	4	18.7	21.3	20.5
650 B. T. U. to 674 B. T. U.....	2	18.8	21.6	20.2
675 B. T. U. to 699 B. T. U.....	1	19.8	19.8	19.8

Referring to Table V, the statutory illuminating power required in coal gas is 16 candles. The average candle-power findings show that this standard is not reached except where the coal gas has a calorific value of 625 B. T. U. or over. The averages of the candle-power readings also show a remarkably uniform increase in candle-power value in keeping with the increase in calorific values. The importance of the apparent relation between the two values becomes less pronounced, however, upon attention being given to the maximum and minimum candle-power figures where the variations are wide.

The same conclusions may be arrived at upon study of Table VI, the water gas results. An apparent relation is here also discernable between the candle-power of water gas as given in the column of averages and the heating value of the gas. With the exception of the lowest and one of the highest groups of values, there is shown a gradual and regular increase in candle-power relative to the increase in calorific values. And this evidence of relationship also is considerably shaken in contemplation of the wide variation between the minimum and maximum candle-power determinations, particularly in connection with the lower calorific values. The legal illuminating power for water gas is 20 candles, and from the average candle-power results it appears this illuminating power is not found in gas of a lower calorific value than 575 B. T. U.

The legal illuminating standard for mixed gas is 18 candle-power. The tests made show that this standard was reached in gas having a calorific value a little in excess of 600 B. T. U.

To further show the connection, if any exists, between the heating power and illuminating power of gas, averages and group values are departed from in the table following, and individual determinations given for coal gas and water gas. The highest

and lowest calorific values of the gas of each company are arranged in order of their value, and opposite each is shown the candle-power of the gas existing at the time.

TABLE VIII: In further illustration of the relation, if any, of the illuminating power and heating power of gas:

Coal gas.				Water gas.			
Highest B. T. U.	C. P.	Lowest B. T. U.	C. P.	Highest B. T. U.	C. P.	Lowest B. T. U.	C. P.
585.0	16.2	544.0	11.0	592.0	20.3	501.0	14.1
597.0	13.9	550.7	12.3	595.5	20.4	506.0	14.9
616.0	15.6	552.0	12.0	597.0	17.6	516.0	17.4
627.0	14.1	559.0	13.6	601.5	20.4	518.5	16.2
630.0	14.4	561.0	16.4	606.5	15.5	519.5	20.8
630.0	16.9	561.5	15.4	613.5	22.3	526.5	16.2
632.0	13.0	562.0	17.0	615.5	20.3	533.5	16.6
635.0	15.2	563.5	14.7	617.5	20.3	544.4	12.1
636.5	16.2	569.0	14.3	621.5	17.3	552.0	20.5
639.5	16.8	572.0	19.8	623.5	23.6	554.0	20.9
641.0	16.0	574.5	16.3	624.0	20.9	559.0	21.3
646.0	13.9	574.5	16.3	627.0	19.4	563.0	19.7
647.0	14.4	577.0	16.1	630.0	19.8	564.0	20.6
651.0	15.4	582.0	12.4	633.0	31.5	566.0	19.4
653.5	16.5	583.5	16.2	633.5	22.0	568.5	18.4
654.0	16.4	584.0	14.7	636.5	.....	569.5	21.0
655.0	17.1	588.0	16.1	637.1	21.3	571.0	21.6
656.0	14.4	588.0	16.2	639.5	21.7	572.0	17.5
658.0	15.9	589.0	12.4	639.5	23.3	574.0	20.6
659.0	16.0	591.0	14.3	642.0	20.9	578.0	21.7
662.5	16.7	592.0	13.0	645.0	20.3	579.0	19.0
663.3	17.8	592.0	16.3	645.5	20.2	581.5	20.5
667.0	17.3	594.0	14.4	649.0	20.8	587.0	20.6
670.5	18.3	597.5	16.4	651.0	19.1	587.5	19.3
671.0	16.5	601.5	13.3	662.0	20.0	588.0	20.8
675.0	16.9	604.0	16.2	666.0	21.6	588.5	18.9
688.0	16.8	608.0	13.2	667.5	22.9	589.0	20.8
690.5	17.9	608.5	16.7	675.0	20.2	589.6	20.8
691.0	19.2	611.5	16.2	676.5	23.0	590.0	20.9
695.5	17.0	614.0	17.3	678.5	22.3	592.0	23.5
698.0	18.0	621.5	16.9	681.0	22.8	593.5	18.9
713.5	16.4	625.0	16.4	692.0	22.2	604.0	20.7
715.5	16.5	625.0	17.2	693.0	21.5	604.5	20.4
717.5	16.8	630.5	17.1	707.0	21.8	620.9	20.2
717.0	15.6	631.0	17.3	709.0	24.3	622.3	21.6
719.5	16.9	633.0	.....	710.5	21.6	627.0	20.7
727.5	17.4	635.0	17.2	712.0	19.5	635.0	21.8
727.5	16.7	642.5	16.0	713.0	22.2	636.5	20.4
727.5	17.1	644.0	17.2	714.0	25.8	637.0	21.9
729.0	17.8	651.5	17.0	734.0	22.3	637.5	21.0
737.0	18.9	665.0	16.2	761.0	25.8	649.0	26.5
758.0	17.7	690.5	17.9	775.0	22.0	667.5	22.9
794.0	18.9	717.0	18.4	786.5	27.0	676.0	26.0
.....	.....	.....	.....	802.6	27.1	729.5	29.6

If any conclusion is to be drawn from these tables of comparative values, it is that the heating power of gas naturally follows and therefore has some connection with the illuminating power. That there is no definite relation between them is the concurrence of engineering opinion. The unknown value of one can not be calculated from the known value of the other. The temperature of the air, the quality of the coal used, and the general character and methods of manufacture, all enter as conditions to disturb and render uncertain, with varying effect in the different kinds of gas, any fixed relation.

Use of Gas for Fuel and Heating.

The relative importance of heating power standards and illuminating power standards depends naturally upon the proportion of the gas supply for which each standard is the proper measure.

In the early days of the gas industry, when gas was used solely for lighting and only in open-flame burners, its value lay entirely in its illuminating power. As modern inventions made gas available as a fuel, its heating value became of significance. Today it is by no means exceptional to find the greater portion of the output of a company used for heating and fuel purposes. About 1885 a German scientist, Welsbach, invented a method of producing light from gas by means of a "mantle," the highly luminous properties of which are due to the high temperature which the mantle is capable of attaining. The success of this method of lighting is dependent largely upon the heating power of the gas, and in the extensive use of Welsbach mantles the illuminating power of gas has finally become in not a few communities a factor of minor importance. This is particularly true abroad, where, especially in Germany, gas consumers, encouraged by the distributing companies, are nearly all using burners of the Welsbach type. In Germany, by reason of this situation, most of the gas is supplied according to its heating value; and as has been pointed out, the tendency is very marked toward the general adoption of this standard in England.

Is the situation the same in this country? We have noted the action of the State of Wisconsin in recognizing the necessity of a calorific standard. Other precedents there are none of significance. To obtain information on this point we requested each gas corporation under the supervision of this Commission to report upon blank forms provided for the purpose the proportion of its gas used (1) for fuel and heating purposes, and (2) for lighting. And of the gas used for lighting the report required to be shown, if possible of determination, the proportion consumed in (1) mantles and (2) in open-flame burners. While at best the reports would consist of close estimates, especially as to the per cent of gas used in mantles and in open-flame burners, the reports were not all satisfactory. Several of the companies failed to respond at all, and a number gave returns which upon the face were unreliable. From the remainder, I have selected those estimates which may be fairly regarded as having been carefully

made and as best representing the opinions of practical gas men in this District.

TABLE IX: Showing in per cent the proportionate amounts of gas used for heat and fuel in mantles and open-flame burners as estimated by the several companies listed, the arrangement being in the order of the amount of gas output expressed in 1000 cubic feet:

Company.	Annual gas output (1000 cu. ft.).	Per cent of total used for—		
		Heat and fuel.	Lighting.	
			In mantles.	In open-flame.
Rochester Ry. & Light Co	984,307	50	10	40
Syracuse Lighting Co	508,735	60	20	20
Troy Gas Co	291,711	32.4	40	27.6
Binghamton Gas Works	160,411	40	50	10
Poughkeepsie Light, Heat & Power Co	99,305	50	25	25
Fulton County Gas & Electric Co	89,891	60	20	20
Watertown Light & Power Co	80,801	60	36	4
Chuctanunda Gas Light Co	70,949	45	34	21
Newburgh Light, Heat & Power Co	67,015	50	40	10
Kingston Gas & Electric Co	58,937	45	45	15
Lockport Light, Heat & Power Co	51,691	55	18	27
Ithaca Gas Light Co	49,975	25.5	68.1	6.4
Saratoga Gas, Electric Light & Power Co.	40,925	62	22.7	15.3
Peekskill Lighting & R. R. Co	35,733	33.7	36.4	29.9
Orange County Lighting Co	30,489	55	20	25
Peoples Gas & Electric Co. (Oswego)	30,031	50	25	25
Northern Westchester Lighting Co	25,033	35.9	27.9	36.2
Homer & Cortland Gas Light Co	24,473	19	73	8
Plattsburgh Gas & Electric Co	22,714	57.2	15.6	27.2
Oneonta Light & Power Co	13,062	33.3	61.7	5
Canandaigua Gas Light Co	9,145	59	15	26
Corning Gas & Electric Co	8,472	0.1	90	9.9
West Shore Gas Co	6,824	30	50	20
Huntington Gas Co	6,588	44.5	34.7	20.8
Brockport Gas Light Co	6,000	30	40	30
Saugerties Gas Light Co	5,613	41	50	9
Geneseo Gas Light Co	3,801	26.9	68	5.
Warsaw Gas & Electric Co	1,452	25	72	3

Conclusions and Recommendations.

A general survey of the entire study leads to the following conclusions:

1. That of the coal gas, carburetted water gas, and mixed gas furnished within the territorial jurisdiction of this Commission the proportion used in open-flame burners probably does not exceed 20 per cent of the total supply.

2. That the existing photometric standards by which is judged the illuminating power of the gas afford the proper basis of measuring the real value of this proportion of the supply.

3. That unless and until the amount of the gas supply used in open-flame burners becomes diminished considerably below its present proportion of the total gas consumed, it is desirable that the existing photometric standards be maintained.

4. That the present test for illuminating power is not suited to a determination of the real value of gas used in the various methods now employed in incandescent lighting, nor does it afford a proper standard of measure for gas used for heat and power.

5. That the amount of gas used in these methods and for these purposes constitutes fully 80 per cent of the total gas supply.

6. That the real value of this portion of the gas supply lies in the heating properties of the gas, for which no standard of measurement exists in this State.

7. That by reason of the large class of consumers to whom the value of gas as a generator of heat is a matter of primal importance, it is desirable that the calorific power of gas be standardized by the introduction of appropriate tests.

These conclusions directly confront us with the questions:

1. What authority has the Commission to prescribe a calorific standard for the gas supplied under its supervision and within its jurisdiction?

2. If the authority exists, shall a calorific standard be prescribed by the Commission?

3. What is the proper calorific standard?

4. Shall such standard be enforced supplemental to the illuminating standard now in use?

The powers of the Commission relating to gas standards are defined in subdivision 3, section 66, article 4 of the Public Service Commissions Law, as follows:

> Sec. 66. General powers of commissions in respect to gas and electricity.—Each commission shall within its jurisdiction . . . . (3) Have power to fix the standard of illuminating power and purity of gas, not less than that prescribed by law, to be manufactured or sold by persons, corporations or municipalities for lighting, heating or power purposes . . . . and by order to require the gas so manufactured or sold to equal the standard so fixed by it, and to establish the regulations as to pressure at which gas shall be delivered.

From which it appears that the Commission at present is without authority to fix any standard for gas other than "the standard of illuminating power and purity".

In view of the conclusions above expressed I recommend and urge the importance of securing such amendments to these provisions of the law as will vest the Commission with the broad authority to ascertain and fix adequate and serviceable standards for the measurement of gas, pursuant to which such action may be taken, in the discretion of the Commission, as will serve to carry out the evident intent of the law as it now reads: that a standard shall be established for gas sold "for lighting, *heating, and power* purposes".

TABLE No. 1: Showing separately for the coal gas supplied by each company, given by the municipalities in which the tests were made: (1) the gross B. T. U.; the B. T. U. in condensation; the candle-power of each test in each season of the year; (2) the highest, lowest, and average B. T. U. findings; (3) the highest, lowest, and average candle-power findings; (4) general averages

Place of test.	Winter, 1908–1909.			Spring, 1909.			Summer, 1909.			Autumn, 1909.			Highest B. T. U.		Lowest B. T. U.		Average B. T. U.		Candle-power.		
	B. T. U.			B. T. U.			B. T. U.			B. T. U.											
	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	Gross.	Condensation.	Gross.	Condensation.	Highest.	Lowest.	Average.
Albion	727.5	68.0	17.1	651.5	55.0	17.0	669.0	52.0	16.9	674.0	65.0	18.4	727.5	68.0	651.5	52.0	680.5	60.0	18.4	16.9	17.4
Amsterdam*	594.0	49.0	16.7	562.0	57.5	17.0	.....	.....	.....	663.3	64.6	17.8	663.3	64.6	562.0	49.0	606.4	57.0	17.8	16.7	17.2
Auburn	574.5	50.0	16.3	688.0	60.5	16.8	645.0	54.0	17.2	657.5	68.0	16.0	688.0	68.0	574.5	50.0	641.3	58.1	17.2	16.0	16.6
Bath	691.0	51.0	19.2	630.5	57.5	17.1	635.0	54.0	17.8	662.5	31.5	18.4	691.0	57.5	630.5	31.5	654.8	48.5	19.2	17.1	18.1
Brockport	621.5	51.5	16.9	794.0	66.0	18.9	631.0	55.5	16.2	638.0	69.0	16.5	794.0	69.0	621.5	51.5	671.1	60.5	18.9	16.2	17.1
Buffalo	665.0	58.0	17.2	644.0	53.0	17.2	727.5	70.0	16.7	659.0	58.0	16.4	727.5	70.0	644.0	53.0	673.9	59.8	17.2	16.4	16.9
Canandaigua	633.5	54.0	16.4	614.0	59.0	17.3	636.5	53.0	16.2	627.0	62.0	16.1	636.5	62.0	614.0	53.0	627.8	57.0	17.3	16.1	16.5
Catskill	597.5	42.0	16.4	618.5	44.0	14.4	642.5	63.0	15.6	670.5	57.0	18.3	670.5	63.0	597.5	42.0	632.3	51.5	18.3	14.4	16.2
Cortland	584.0	51.5	14.7	611.5	47.5	14.9	616.0	58.5	15.6	600.5	58.0	15.2	616.0	58.5	584.0	47.5	603 0	53.9	15.6	14.7	15.1
Cooperstown	625.0	61.0	16.4	644.5	69.5	16.5	688.0	68.0	17.7	713.5	63.3	16.4	713.5	69.5	625.0	61.0	667.8	65.5	17.7	16.4	16.8
Corning	653.5	51.5	16.2	622.0	52.0	16.6	695.5	59.0	17.0	563.5	51.6	14.7	695.5	59.0	563.5	51.5	633 6	53.5	17.0	14.7	16.1
Elmira	561.0	49.5	16.4	654.5	60.5	18.0	675.0	60.0	16.9	661.5	59.9	14.9	675.0	60.5	561.0	49.5	638 0	57.5	18.0	14.9	16.6
Fredonia	717.0	61.0	18.4	729.0	59.0	17.6	758.0	61.5	17.7	750.0	57.0	17.6	758.0	61.5	717.0	57.0	738.5	59.6	18.4	17.6	17.8
Fulton*	582.0	47.0	12.4	.....	.....	.....	.....	.....	.....	627.0	62.0	14.1	627.0	62.0	582.0	47.0	604.5	54.5	14.1	12.4	13.3
Geneva	604.0	50.6	16.2	662.5	51.5	16.7	612.5	58.5	13.3	646.5	55.0	15.7	662.5	58.5	604.0	50.6	631.4	53.9	16.7	13.3	15.5
Geneseo	672.0	49.0	17.9	625.0	51.5	17.2	682.5	37.5	18.2	698.0	56.5	18.0	698.0	56.5	625.0	37.5	669.4	48.6	17.2	18.2	17.8
Glens Falls	639.5	41.5	16.8	583.5	59.0	16.1	573.0	49.0	14.2	552.0	52.0	12.0	639.5	59.0	552.0	41.5	587.0	50.4	16.8	12.0	14.8
Goshen	727.5	59.0	17.4	654.5	65.0	18.9	656.5	54.5	16.3	651.0	59.0	17.3	727.5	65.0	631.0	54.5	667.4	59.4	18.9	16.3	17.5
Hudson	600.5	49.5	15.0	593.0	58.0	16.2	656.0	60.5	14.4	588.0	59.0	16.1	656.0	60.5	588.0	49.5	609.4	56.8	16.2	14.4	15.4
Hoosick Falls	613.0	37.0	12.7	630.0	48.5	16.9	624.0	50.0	16.2	550.7	50.6	12.3	630.0	50.6	550.7	37.0	604.4	46.5	16.9	12.3	14.5
Ithaca	569.0	45.0	14.3	638.0	61.0	16.4	645.0	50.0	16.6	647.0	63.0	14.4	647.0	63.0	569.0	45.0	624.8	54.8	16.6	14.3	15.4
Kingston	549.5	35.3	12.8	585.0	47.0	16.2	544.0	42.5	11.0	550.0	42.5	11.7	585.0	47.0	544.0	35.3	557.1	41.8	16.2	11.0	12.9
Lockport	622.0	61.0	17.7	626.5	57.5	16.0	611.5	52.0	16.2	632.0	58.0	13.0	632.0	61.0	611.5	52.0	623.0	57.1	17.7	13.0	15.7
Lyons	616.5	56.0	17.3	654.0	54.0	16.4	638.0	59.0	16.3	592.0	54.0	13.0	654.0	59.0	592.0	54.0	625.1	55.8	17.3	13.0	15.8
Malone	591.0	46.0	14.3	606.0	60.0	20.4	702.5	71.5	17.1	717.9	67.4	15.6	717.9	71.5	591.0	46.0	654.4	61.2	20.4	14.3	16.9
Medina	608.5	60.0	16.7	630.0	62.0	14.4	629.0	49.5	16.8	620.0	54.0	14.7	630.0	62.0	608.5	49.5	621.9	56.4	16.8	14.4	15.7
Newark	653.5	62.5	16.5	642.5	57.0	16.0	651.5	61.0	15.8	646.5	49.0	16.4	653.5	62.5	642.5	49.0	648.5	57.4	16.5	15.8	16.2
Niagara Falls	609.0	59.0	16.0	641.0	53.0	16.0	632.0	54.0	16.5	601.5	57.0	13.3	641.0	59.0	601.5	53.0	620.9	55.8	16.5	13.3	15.5
Ogdensburg	639.0	57.0	14.6	651.0	61.0	15.4	592.0	44.0	16.3	622.6	45.8	16.9	651.0	61.0	592.0	44.0	626.2	52.0	16.9	14.6	15.8
Oneida	588.0	52.8	16.2	640.5	57.5	14.8	679.0	65.0	16.3	715.5	34.5	16.5	715.5	65.0	588.0	34.5	655.8	52.5	16.5	14.8	16.0
Oswego	653.0	61.0	14.3	572.0	57.0	19.8	620.0	54.0	15.5	671.0	58.0	16.5	671.0	61.0	572.0	54.0	629.0	57.5	19.8	14.3	16.5
Owego	689.5	74.0	19.0	635.0	52.5	17.2	737.0	65.5	18.9	703.4	66.4	19.4	737.0	74.0	635.0	52.5	691.2	64.6	19.4	17.2	18.6
Palmyra	682.5	62.0	17.1	719.5	63.0	16.9	683.0	61.0	17.8	577.0	54.0	16.1	719.5	63.0	577.0	54.0	665.5	60.0	17.8	16.1	17.0
Penn Yan	589.0	60.0	12.4	604.0	55.5	16.1	667.0	53.5	17.3	642.0	47.5	16.4	667.0	60.0	589.0	47.5	625.5	54.1	17.3	12.4	15.6
Rensselaer	658.0	61.5	15.9	639.0	45.0	17.8	611.5	47.5	16.1	583.5	52.0	16.2	658.0	61.5	583.5	45.0	623.0	51.5	17.8	15.9	16.5
Rome*	.....	.....	.....	.....	.....	.....	.....	.....	.....	690.5	67.0	17.9	690.5	67.0	690.5	67.0	690.5	67.0	17.9	17.9	17.9
Sandy Hill	507.0	41.0	13.9	580.0	49.5	13.8	581.0	44.0	13.0	550.0	58.0	13.6	597.0	58.0	559.0	41.0	570.3	48.1	13.0	13.0	13.0
Saugerties	637.5	55.0	16.2	612.0	42.0	14.8	646.0	62.5	13.9	608.0	59.5	13.2	646.0	62.5	608.0	42.0	625.9	54.8	16.2	13.2	14.5
Seneca Falls	574.5	51.0	16.3	646.0	58.0	16.6	605.5	49.5	14.5	659.0	59.0	16.0	659.0	59.0	574.5	49.5	621.3	54.4	16.6	14.5	15.9
Tonawanda	606.0	56.5	14.5	594.0	49.5	14.4	635.0	60.0	15.2	623.5	58.4	16.1	635.0	60.0	594.0	49.5	614.6	56.1	16.1	14.4	15.1
Wappingers Falls	717.5	62.5	16.8	648.5	47.0	17.9	633.0	52.0	.....	663.5	64.0	18.2	717.5	64.0	633.0	47.0	665.6	56.4	18.2	16.8	17.6
Watkins	667.0	71.6	16.7	665.0	63.0	16.2	678.0	60.0	17.4	729.0	61.5	17.8	729.0	71.6	665.0	60.0	684.8	64.0	17.8	16.2	17.0
Watertown*	607.0	52.0	15.9	561.5	44.0	15.4	655.0	63.5	17.1	.....	.....	.....	655.0	63.5	561.5	44.0	607.8	53.2	17.1	15.4	16.1
Average	628.8	54.2	16.0	636.7	55.4	16.6	647.5	56.0	16.1	640.2	56.9	15.8	.....	.....	.....	.....	637.8	55.8	.....	.....	16.2

* *See* also Table 3.

TABLE No. 2: Showing separately for the carburetted water gas supplied by each company, given by the municipalities in which the tests were made: (1) the gross B. T. U.; the B. T. U. in condensation; the candle-power of each test in each season of the year; (2) the highest, lowest, and average B. T. U. findings; (3) the highest, lowest, and average candle-power findings; (4) general averages.

Place of test.	Winter, 1908–1909.			Spring, 1909.			Summer, 1909.			Autumn, 1909.			Highest B. T. U.		Lowest B. T. U.		Average B. T. U.		Candle-power.		
	B. T. U.			B. T. U.			B. T. U.			B. T. U.											
	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	Gross.	Condensation.	Gross.	Condensation.	Highest.	Lowest.	Average.
Albany	627.0	24.5	19.4	617.0	35.5	20.3	613.0	43.0	20.9	589.6	25.0	20.8	627.0	43.0	589.6	24.5	611.7	32.0	20.9	19.4	20.4
Bay Shore	588.0	39.5	19.7	598.0	32.0	21.1	519.5	23.0	20.8	601.5	45.5	20.4	601.5	45.5	519.5	23.0	576.8	35.0	21.1	19.7	20.5
Binghamton	601.0	25.5	20.8	590.0	31.0	20.9	642.0	53.0	20.9	622.3	38.5	20.0	642.0	53.0	590.0	25.5	613.8	37.0	20.9	20.0	20.7
Canastota	544.5	26.5	12.1	556.5	27.5	14.4	569.0	39.0	18.0	606.5	59.5	15.5	606.5	59.5	544.5	26.5	569.1	38.1	18.0	12.1	15.0
Clifton Springs	681.0	42.0	23.0	683.5	40.5	22.3	734.0	46.0	22.3	566.0	47.0	19.4	734.0	47.0	566.0	40.5	666.1	43.9	23.0	19.4	21.8
Cohoes	457.5	48.0	30.5	735.0	49.0	28.1	729.5	42.5	29.6	802.6	47.3	27.1	802.6	49.0	729.5	42.5	756.2	46.7	30.5	27.1	28.8
Dansville	692.0	42.0	22.2	666.0	44.0	20.8	649.0	30.0	26.5	661.0	35.5	20.9	692.0	44.0	649.0	30.0	667.0	37.9	26.5	20.8	22.6
Fishkill	554.0	34.5	20.9	590.5	41.5	16.3	603.0	33.5	17.6	617.5	36.5	20.3	617.5	41.5	554.0	33.5	591.3	36.5	20.9	16.3	18.8
Fort Plain	571.0	31.5	21.6	609.5	45.5	19.3	636.5	44.5	.....	607.0	49.0	20.0	636.5	49.0	571.0	31.5	606.0	42.6	21.6	19.3	20.3
Granville	639.5	36.0	21.7	590.5	42.0	20.4	588.5	31.5	18.9	624.4	42.5	23.4	639.5	42.5	588.5	31.5	610.7	38.0	23.4	18.9	21.1
Haverstraw	506.0	28.0	14.9	672.0	48.0	21.5	775.0	54.5	22.0	768.5	55.5	25.1	775.0	55.5	506.0	28.0	680.4	46.5	25.1	14.9	20.9
Hempstead	592.0	42.0	20.3	590.5	38.5	20.9	561.0	30.5	17.5	552.0	32.5	20.5	592.0	42.0	552.0	30.5	573.9	35.9	20.9	17.5	19.8
Huntington	587.5	38.5	20.4	581.5	42.0	20.5	649.5	40.5	20.2	713.0	44.5	22.2	713.0	44.5	581.5	38.5	632.9	41.4	22.2	20.2	20.8
Herkimer	579.0	38.5	19.0	600.0	38.0	19.4	624.0	37.0	20.1	645.5	39.5	20.2	645.5	39.5	579.0	37.0	612.1	38.3	20.2	19.0	19.7
Johnstown	605.5	31.0	20.6	610.0	29.5	20.7	593.5	33.0	18.9	615.5	39.0	20.3	615.5	39.0	593.5	29.5	606.1	33.1	20.7	18.9	20.1
Little Falls	516.0	31.0	17.4	590.0	22.5	19.3	604.5	40.0	21.3	651.1	44.0	19.1	651.0	44.0	516.0	22.5	590.4	34.4	21.3	17.4	19.2
Mechanicville	536.5	19.0	19.0	595.5	36.0	20.4	533.5	24.0	16.6	553.9	23.0	14.9	595.5	36.0	533.5	19.0	561.6	25.5	20.4	14.9	17.7
Middletown	678.5	38.0	22.3	637.5	38.0	21.0	676.5	41.0	21.4	666.5	39.5	23.7	678.5	41.0	637.5	38.0	664.8	39.1	23.7	21.0	22.1
Mount Vernon	610.0	29.0	21.5	613.5	46.5	22.3	601.0	38.5	22.4	578.0	27.0	21.7	613.5	46.5	578.0	27.0	600.6	35.3	22.4	21.5	22.0
Newburgh	518.5	29.5	16.2	578.5	37.0	15.5	597.0	44.5	17.6	572.0	34.0	17.7	597.0	44.5	518.5	29.5	566.5	36.3	17.7	15.5	16.8
Norwich	609.0	38.5	20.2	604.0	37.5	20.7	712.0	47.0	19.5	696.0	49.5	21.9	712.0	49.5	604.0	37.5	655.3	43.1	21.9	19.5	20.6
Nyack	627.0	29.5	20.7	659.0	42.5	20.7	651.5	38.5	24.4	676.5	39.0	23.0	676.5	42.5	627.0	29.5	653.5	37.4	24.4	20.7	22.2
Oneonta	587.0	34.5	20.6	621.0	22.5	21.6	681.0	46.0	22.8	652.7	41.9	19.9	681.0	46.0	587.0	22.5	635.4	36.0	22.8	19.9	21.2
Ossining	645.0	44.5	20.3	587.5	36.0	19.3	601.0	45.5	21.1	627.0	39.0	23.8	645.0	45.5	587.5	36.0	615.1	41.3	23.8	19.3	21.1
Patchogue	630.5	36.5	.....	575.5	42.0	20.2	662.0	29.5	20.0	526.5	35.5	16.2	662.0	42.0	526.5	29.5	598.6	35.9	20.2	16.2	18.8
Peekskill	563.0	35.5	19.7	630.0	45.0	19.8	598.5	34.0	20.5	607.0	39.0	21.1	630.0	45.0	563.0	34.0	598.6	38.4	21.1	19.7	20.3
Plattsburgh	659.0	41.0	21.2	637.0	50.5	21.9	709.0	47.5	24.3	652.8	36.3	19.8	709.0	50.5	637.0	36.3	664.5	43.8	24.3	19.8	21.8
Port Jervis	563.0	38.0	21.1	559.0	42.0	21.3	633.0	40.0	31.5	604.0	37.0	22.0	633.0	42.0	559.0	37.0	589.8	39.3	31.5	21.1	24.0
Poughkeepsie	564.0	32.0	20.6	618.0	27.0	20.6	620.0	36.0	20.0	633.5	35.0	22.0	633.5	36.0	564.0	27.0	608.9	32.5	22.0	20.0	20.8
Queens Borough Co	660.0	41.0	21.3	622.3	46.0	21.6	678.5	.....	20.8	710.5	43.0	21.6	710.5	46.0	622.3	41.0	667.8	43.3	21.6	20.8	21.3
Rome*	.....	.....	.....	.....	.....	.....	667.5	43.0	22.9	.....	.....	.....	667.5	43.0	667.5	43.0	667.5	43.0	22.9	22.9	22.9
Sag Harbor	600.0	36.0	11.1	574.0	31.0	20.6	607.0	27.0	20.1	621.5	40.5	17.3	621.5	40.5	574.0	27.0	600.6	33.6	20.6	11.1	17.3
Saratoga	625.5	23.5	17.6	572.0	38.5	17.5	649.0	33.0	20.8	620.3	33.8	19.9	649.0	38.5	572.0	23.5	616.7	32.2	20.8	17.5	19.0
Schenectady	624.5	25.0	17.7	604.5	36.5	20.4	630.5	41.0	20.1	637.1	45.0	21.3	637.1	45.0	604.5	25.0	624.2	36.9	21.3	17.7	19.9
Sea Cliff	526.0	39.0	15.1	501.0	36.5	14.1	565.5	36.5	16.6	693.0	49.0	21.5	693.0	49.0	501.0	36.5	571.4	40.3	21.5	14.1	15.8
Suffern	589.0	45.0	20.8	622.0	41.0	21.3	628.0	40.0	21.2	675.0	42.0	20.2	675.0	45.0	589.0	40.0	628.5	42.0	21.3	20.2	20.9
Tarrytown	615.5	31.0	23.1	588.0	37.5	20.8	610.0	34.0	20.2	624.0	39.0	20.9	624.0	39.0	588.0	31.0	609.4	35.4	23.1	20.2	21.3
Troy	707.0	35.0	21.8	672.0	32.5	25.5	635.0	41.0	21.8	692.7	38.5	21.3	707.0	41.0	635.0	32.5	676.7	36.8	25.5	21.3	22.6
Utica	568.5	32.0	18.4	656.0	43.0	20.7	666.0	46.5	21.6	656.0	49.5	22.4	666.0	49.5	568.5	32.0	636.6	42.8	22.4	18.4	20.8
Warsaw	685.0	43.5	22.9	676.0	29.5	26.0	714.0	47.0	25.8	704.5	51.0	25.2	714.0	51.0	676.0	29.5	694.9	42.8	26.0	22.9	25.0
Waterville	692.5	43.5	21.3	636.5	34.5	20.4	691.0	34.5	26.9	786.5	53.0	27.0	786.5	53.0	636.5	34.5	701.6	41.4	27.0	20.4	23.9
Waverly	696.0	42.5	21.6	662.5	36.5	22.5	761.0	54.0	25.8	620.9	41.7	20.2	761.0	54.0	620.9	36.5	685.1	43.7	25.8	20.2	22.5
White Plains	592.0	30.0	23.5	593.0	37.0	24.0	604.5	40.0	20.1	623.5	38.0	23.6	623.5	40.0	592.0	30.0	603.3	36.3	24.0	20.1	22.8
Yonkers	572.0	27.5	19.8	591.0	33.0	22.6	639.5	32.0	23.3	569.5	35.0	21.0	639.5	35.0	569.5	27.5	593.0	31.9	23.3	19.8	21.7
Average	609.6	34.9	21.1	613.2	37.7	20.7	638.9	39.1	21.3	640.0	40.8	21.1	.....	.....	.....	.....	625.3	38.2	.....	.....	20.9

* *See* also Tables 1 and 3.

TABLE No. 3: Showing separately for the mixed coal and carburetted water gas supplied by each company, given by the municipalities in which the tests were made: (1) the gross B. T. U.; the B. T. U. in condensation; the candle-power of each test in each season of the year; (2) the highest, lowest, and average B. T. U. findings; (3) the highest, lowest, and average candle-power findings; (4) general averages.

Place of test.	Winter, 1908–1909.			Spring, 1909.			Summer, 1909.			Autumn, 1909.			Highest B. T. U.		Lowest B. T. U.		Average B. T. U.		Candle-power.		
	B. T. U.			B. T. U.			B. T. U.			B. T. U.											
	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	C. P.	Gross.	Condensation.	Gross.	Condensation.	Gross.	Condensation.	Highest.	Lowest.	Average.
Fulton*	.....	.....	.....	672.5	54.0	18.8	623.0	53.0	16.5	.....	.....	.....	672.5	54.0	623.0	53.0	647.8	53.5	18.8	16.5	17.7
Rochester	655.5	31.5	21.6	621.0	49.5	20.6	647.0	51.5	21.0	642.0	44.0	20.8	655.5	51.5	621.0	31.5	641.4	44.1	21.6	20.6	21.0
Rome*	564.5	41.5	13.7	601.5	47.0	15.2	.....	.....	.....	.....	.....	.....	601.5	47.0	564.5	41.5	583.0	44.3	15.2	13.7	14.5
Syracuse	559.5	43.0	19.2	592.5	42.0	16.7	635.0	46.0	18.7	645.0	42.0	21.3	645.0	46.0	559.5	42.0	608.0	43.3	21.3	16.7	19.0
Watertown*	.....	.....	.....	.....	.....	.....	.....	.....	.....	564.3	45.6	16.9	564.3	45.6	564.3	45.6	564.3	45.6	16.9	16.9	16.9
Amsterdam*	.....	.....	.....	.....	.....	.....	689.0	43.5	19.8	.....	.....	.....	689.0	43.5	689.0	43.5	689.0	43.5	19.8	19.8	19.8
Average	593.2	38.7	18.2	621.9	48.1	17.8	648.5	48.5	19.0	617.1	43.9	19.7	.....	.....	.....	.....	622.3	45.7	.....	.....	18.2

* *See* also Table 1.

Until such time as the Legislature may act in this matter, it will not be necessary to decide as to the calorific standard proper to be prescribed for the gas supply of this District. This and other considerations may meantime be matters of further study and investigation. There is no generally accepted standard of calorific value for gas, and the precedents established by other governmental bodies do not of necessity afford a criterion as to what the action of this Commission should be. A determination of this question must be had solely upon the conditions of gas manufacture and distribution in this State, and the utmost care must be exercised that the standard adopted will on the one hand insure excellence of service and on the other hand not impose onerous conditions.

The probable effect of the enforcement of a calorific standard upon the costs of plant operation; the advantages, if any, of reasonable and uniform thermal units as against high candle-power units; the objections, if any, to the enforcement of a double standard; the experiences of the local gas manufacturers in determining and regulating calorific values; the present plant equipment and facilities for making heat unit tests; the time necessary to adapt gas works conditions to calorific conditions, are, among others, subjects to which the attention of the Commission should further be addressed prior to any final action. Upon all these matters the distributing companies whose interests would be affected should be given the opportunity to be heard.

Accordingly, should the Commission deem it wise, in approval of the recommendation hereinbefore made, to urge upon the Legislature such suitable amendments to the law as will empower the Commission to ascertain and establish proper standards for the measurement of gas, I further recommend that, pending action therein by the Legislature, such hearings and conferences be had with representatives of the companies and gas engineers as may in the resulting interchange of views and opinions apprise the Commission in the fullest possible manner, not only upon the broad question of the necessity for a standard by which the thermal units in gas may be governed, but upon all the questions necessarily incidental thereto.

Dated at Albany, N. Y., October 29, 1909.

Respectfully submitted,

HENRY C. HAZZARD,

Chief of Division of Light, Heat, and Power.

Upon consideration of this report and the conclusions and recommendations therein, a resolution was adopted by the Commission authorizing printed copies to be distributed to gas corporations in the District, and appointing February 1, 1910, as the date for a conference, "with the object of affording an interchange of views and opinions upon the question of fixing a calorific standard of value for gas, and all questions necessarily incidental thereto".

Inspections of Gas: The systematic inspection of the coal gas, water gas, and mixed coal and water gas supply for illuminating power and quality has been continued along the lines of the work of last year, the gas of each company periodically being tested for candle-power, the presence of hydrogen sulphide, the quantitative presence of ammonia and sulphur, and a record taken of the distribution pressure.

The number of tests at each plant is determined by the annual plant output. Up to ten million cubic feet annual production six tests were made; for each ten million cubic feet produced in excess of this minimum an additional test was made, the maximum number of tests however for any one company being limited to twenty-six.

The results of all the tests for the year, 887 in number, afford just grounds for criticism of many of the supplying corporations. In one or more respects 338 tests, or 38.1 per cent of the total number of tests, showed deficiencies. The supply was found to fail to meet the requirements as to candle-power in 25.2 per cent of the tests; as to the presence of hydrogen sulphide, 13.2 per cent of the tests; as to the maximum amount of sulphur allowed, 6.6 per cent of the tests; and as to the maximum amount of ammonia, 1.1 per cent of the tests.

The continuous and marked inferiority of the product of a number of plants led to investigations and recommendations respecting improvements in plant equipment or in methods employed in manufacture. This work has been reviewed in preceding paragraphs. It was undertaken for the information of the Commission. The results revealed in most instances that the failure to comply with the existing standards is very largely due to either improper equipment or censurable methods of manufacture.

The prompt and effectual correction of these conditions ordinarily lies well within the means of the companies and must be sought, if not voluntarily on their part, then in the exercise by the Commission of such authority as the situation in each case may require.

The results of each test are given in the first four of the following tables, and summarized comparatively with the results of the tests for the year 1908 in tables V and VI.

TABLE I: Showing number of tests made in each municipality, kind of gas tested, the number of tests showing the gas to be within the requirements prescribed by law, the number showing deficiencies, and the number of times the gas was found deficient in each particular as to candle-power and impurities. The presence of hydrogen sulphide in gas is prohibited by law.

Place of test.	Kind of gas.	Number of tests.	Number tests showing—		Deficiencies.			
			Gas to be within requirement prescribed by law.	Deficiencies, either as to candle-power, impurities, or both.	Candle-power below standard.	Excessive sulphur.	Excessive ammonia.	Presence of sulphuretted hydrogen.
Albany	water.	26	23	3	3	0	0	1
Albion	coal...	6	5	1	1	0	0	0
Amsterdam	coal...	9	6	3	0	2	1	0
	mixed.	5	2	3	2	2	0	0
Auburn	coal...	17	14	3	2	1	0	0
Bath	coal...	6	4	2	0	2	0	0
Binghamton	water.	22	20	2	1	0	0	1
Bay Shore	water.	8	4	4	1	1	0	3
Brockport	coal...	6	6	0	0	0	0	0
Buffalo	coal...	26	26	0	0	0	0	0
Canandaigua	coal...	6	5	1	1	0	0	0
Canastota	water.	6	0	6	6	0	0	1
Catskill	coal...	6	2	4	2	1	0	1
Clifton Springs	water.	7	4	3	0	0	0	3
Cohoes	water.	11	10	1	0	0	0	1
Cooperstown	coal...	6	1	5	1	2	0	5
Corning	coal...	6	4	2	0	2	0	0
Cortland	coal...	8	0	8	7	7	0	0
Dansville	water.	6	5	1	0	0	0	1
Elmira	coal...	8	7	1	0	1	0	0
Far Rockaway	water.	7	6	1	0	0	0	1
Fishkill	water.	7	3	4	4	0	0	0
Fort Plain	water.	7	0	7	5	3	0	7
Fredonia	coal...	6	0	6	0	4	0	5
Fulton	coal...	4	0	4	4	0	0	1
	mixed.	4	2	2	1	1	0	0
Geneseo	coal...	6	5	1	0	1	0	0
Geneva	coal...	10	9	1	1	0	0	0
Glen Cove	water.	6	0	6	5	0	0	3
Glens Falls	coal...	10	4	6	1	4	0	1
Goshen	coal...	6	6	0	0	0	0	0
Granville	water.	6	3	3	1	0	0	2
Haverstraw	water.	6	4	2	2	0	0	2
Herkimer	water.	7	4	3	3	0	0	0
Hoosick Falls	coal...	6	3	3	3	0	0	0
Hudson	coal...	7	4	3	3	0	0	1
Huntington	water.	7	4	3	0	0	0	3
Ithaca	coal...	11	7	4	3	1	2	0
Johnstown	water.	15	9	6	6	0	0	0
Kingston	coal...	12	4	8	7	2	0	0
Little Falls	water.	15	9	6	6	0	0	0
Lockport	coal...	10	10	0	0	0	0	0
Lyons	coal...	6	5	1	1	0	0	0
Malone	coal...	6	2	4	4	0	0	4
Mechanicville	water.	6	1	5	5	0	0	0
Medina	coal...	6	4	2	1	0	1	1
Middletown	water.	9	6	3	2	0	0	1

TABLE I (*concluded*).

Place of test.	Kind of gas.	Number of tests.	Number tests showing—		Deficiencies.			
			Gas to be within requirement prescribed by law.	Deficiencies, either as to candle-power, impurities, or both.	Candle-power below standard.	Excessive sulphur.	Excessive ammonia.	Presence of sulphuretted hydrogen.
Mt. Vernon	water.	26	25	1	1	0	0	0
Newark	coal.	6	3	3	1	0	0	3
Newburgh	water.	13	3	10	8	1	0	6
Niagara Falls	coal.	9	7	2	2	0	0	1
Norwich	water.	7	1	6	3	0	0	5
Nyack	water.	8	7	1	0	0	0	1
Ogdensburg	coal.	7	4	3	3	0	0	0
Oneida	coal.	7	4	3	2	1	0	0
Oneonta	water.	7	1	6	2	2	0	6
Ossining	water.	8	5	3	2	0	0	2
Oswego	coal.	9	2	7	7	0	1	0
Owego	coal.	7	4	3	0	0	3	0
Palmyra	coal.	6	4	2	0	0	1	1
Patchogue	water.	6	3	3	1	0	0	2
Peekskill	water.	9	6	3	3	0	0	0
Penn Yan	coal.	6	3	3	1	2	0	0
Plattsburgh	water.	7	6	1	0	0	0	1
Port Jervis	water.	7	7	0	0	0	0	0
Poughkeepsie	water.	16	16	0	0	0	0	0
Rensselaer	coal.	6	2	4	4	0	0	0
Rochester	mixed.	27	27	0	0	0	0	0
Rockville Center	water.	14	13	1	1	0	0	1
Rome	coal.	1	0	1	1	0	0	0
	mixed.	10	3	7	7	1	0	0
Sag Harbor	water.	7	2	5	3	0	0	2
Sandy Hill	coal.	7	0	7	7	4	0	0
Saratoga	water.	10	2	8	7	0	0	2
Saugerties	coal.	6	2	4	4	0	0	0
Schenectady	water.	23	10	13	13	0	0	0
Seneca Falls	coal.	8	3	5	5	0	0	0
Suffern	water.	6	0	6	0	1	0	6
Syracuse	mixed.	26	20	6	6	0	0	0
Tarrytown	water.	12	11	1	1	0	0	0
Tonawanda	coal.	9	1	8	7	2	0	1
Troy	water.	27	23	4	4	0	0	0
Utica	water.	26	6	20	7	0	0	15
Wappingers Falls	coal.	6	4	2	0	0	2	0
Warsaw	water.	6	1	5	0	1	0	5
Watertown	coal.	15	3	12	10	5	0	0
Waterville	water.	6	0	6	0	0	0	6
Watkins	coal.	6	5	1	1	0	0	0
Waverly	water.	6	5	1	1	0	0	0
White Plains	water.	11	8	3	1	0	0	2
Yonkers	water.	26	25	1	1	0	0	0

TABLE II: Showing the number of tests made in each municipality, and the highest, lowest, and average candle-power as determined by the tests; the legal candle-power being for water gas 20, for mixed gas 18, and for coal gas 16.

Place of test.	Number of tests.	Kind of gas.	Candle-power.		
			Highest.	Lowest.	Average.
Albany	26	water	23.8	17.9	20.8
Albion	6	coal	17.2	14.2	16.6
Amsterdam	9	coal	19.1	16.1	17.3
	5	mixed	21.7	15.7	18.7
Auburn	17	coal	17.5	14.7	16.4
Bath	6	coal	19.2	16.8	17.9
Binghamton	22	water	21.7	19.6	20.7
Bay Shore	8	water	21.2	19.7	20.7
Brockport	6	coal	18.9	16.0	17.1
Buffalo	26	coal	18.8	16.3	17.5
Canandaigua	6	coal	17.3	15.4	16.4
Canastota	6	water	18.0	9.3	13.9
Catskill	5	coal	19.1	14.4	16.6
Clifton Springs	7	water	26.9	20.1	22.5

TABLE II (*concluded*).

Place of test.	Number of tests.	Kind of gas.	Candle-power.		
			Highest.	Lowest.	Average.
Cohoes	11	water	31.5	25.1	28.0
Cooperstown	6	coal	21.0	12.5	16.8
Corning	6	coal	17.3	16.2	16.7
Cortland	8	coal	16.2	14.7	15.3
Dansville	6	water	26.5	20.0	22.2
Elmira	8	coal	18.7	16.9	17.6
Far Rockaway	7	water	21.6	20.8	21.2
Fishkill	7	water	20.9	14.9	18.3
Fort Plain	6	water	20.0	16.5	18.3
Fredonia	6	coal	18.4	17.6	17.8
Fulton	4	coal	15.3	11.1	12.5
	4	mixed	18.8	16.5	17.8
Geneseo	6	coal	18.2	17.0	17.7
Geneva	10	coal	17.1	13.3	16.1
Glen Cove	6	water	26.5	14.1	17.8
Glens Falls	10	coal	17.0	14.2	16.3
Goshen	6	coal	18.9	16.3	17.4
Granville	6	water	21.7	18.9	20.7
Haverstraw	6	water	25.1	13.0	19.7
Herkimer	7	water	22.2	17.0	19.9
Hoosick Falls	6	coal	16.9	12.2	14.7
Hudson	7	coal	17.8	11.3	15.4
Huntington	7	water	22.2	20.2	20.8
Ithaca	11	coal	16.9	15.0	16.2
Johnstown	15	water	21.7	18.9	20.2
Kingston	12	coal	17.6	11.0	14.2
Little Falls	14	water	21.4	16.2	19.8
Lockport	10	coal	17.7	16.0	16.6
Lyons	6	coal	18.8	15.9	17.2
Malone	6	coal	20.4	12.9	15.6
Mechanicville	6	water	20.4	11.4	17.2
Medina	6	coal	16.8	14.4	16.1
Middletown	9	water	23.7	18.9	21.2
Mt. Vernon	26	water	25.4	18.0	22.0
Newark	6	coal	16.8	15.8	16.3
Newburgh	13	water	20.6	15.5	18.3
Niagara Falls	9	coal	16.9	14.8	16.1
Norwich	7	water	21.9	18.5	20.2
Nyack	8	water	24.4	20.7	22.5
Ogdensburg	7	coal	16.3	14.6	15.7
Oneida	7	coal	16.7	14.8	16.0
Oneonta	7	water	25.7	13.4	20.6
Ossining	8	water	23.8	18.9	20.6
Oswego	8	coal	19.8	12.9	14.8
Owego	7	coal	19.0	16.5	17.8
Palmyra	6	coal	18.6	16.8	17.4
Patchogue	5	water	20.2	16.2	19.4
Peekskill	9	water	21.1	17.7	20.1
Penn Yan	6	coal	17.3	15.6	16.3
Plattsburgh	7	water	24.3	21.0	22.0
Port Jervis	7	water	31.5	21.1	24.4
Poughkeepsie	16	water	23.4	20.0	21.3
Rensselaer	6	coal	17.8	14.4	15.9
Rochester	27	mixed	22.3	20.1	21.1
Rockville Center	14	water	21.1	17.5	20.4
Rome	1	coal	11.8	11.8	11.8
	10	mixed	22.9	15.2	17.6
Sag Harbor	7	water	20.6	11.1	18.3
Sandy Hill	7	coal	14.9	11.1	13.0
Saratoga	10	water	22.1	17.0	18.9
Saugerties	6	coal	16.8	12.8	14.6
Schenectady	23	water	21.0	16.2	19.6
Seneca Falls	8	coal	16.6	14.5	15.8
Suffern	6	water	21.3	20.2	20.8
Syracuse	26	mixed	20.4	15.2	18.4
Tarrytown	12	water	23.1	19.9	21.5
Tonawanda	9	coal	16.4	12.0	14.6
Troy	27	water	25.5	17.3	21.5
Utica	26	water	22.5	15.7	20.2
Wappingers Falls	6	coal	18.2	16.3	17.2
Warsaw	6	water	26.0	21.5	24.4
Watertown	15	coal	21.7	14.8	16.6
Waterville	6	water	27.0	20.4	23.4
Watkins	6	coal	17.8	15.2	16.6
Waverly	6	water	25.8	18.8	22.5
White Plains	11	water	27.5	19.7	22.5
Yonkers	26	water	26.3	19.8	22.1

TABLE III: Showing the number of tests made in each municipality, the highest, lowest, and average quantity of sulphur and ammonia found. The standards prescribed by law are a maximum of 20 grains of sulphur and 10 grains of ammonia.

Place of test.	Number of tests.	Kind of gas.	Gr. per 100 cu. ft. of gas.				
			Sulphur.			Ammonia.	
			Highest.	Lowest.	Average.	Highest.	Lowest.
Albany	26	water	12.0	4.2	8.1	1 –	1 –
Albion	6	coal	10.8	4.5	7.8	5.7	1.9
Amsterdam	8	coal	28.7	7.4	17.0	18.5	1 –
	5	mixed	28.2	9.2	19.1	1 –	1 –
Auburn	17	coal	22.9	7.6	13.9	1 –	1 –
Bath	6	coal	20.5	4.4	12.3	1 –	1 –
Binghamton	21	water	12.9	4.4	8.1	1 –	1 –
Bay Shore	8	water	24.6	5.4	12.7	1 –	1 –
Brockport	6	coal	19.9	3.6	12.1	1 –	1 –
Buffalo	26	coal	18.9	4.2	13.4	5.7	1 –
Canandaigua	6	coal	16.7	3.1	11.2	1 –	1 –
Canastota	6	water	13.8	6.1	11.0	1 –	1 –
Catskill	6	coal	24.3	10.2	15.9	1 –	1 –
Clifton Springs	7	water	17.3	4.1	8.2	1 –	1 –
Cohoes	11	water	13.3	2.0	5.2	1 –	1 –
Cooperstown	6	coal	28.2	8.2	16.7	1 –	1 –
Corning	6	coal	24.6	3.8	16.3	1 –	1 –
Cortland	8	coal	36.4	4.2	26.3	1 –	1 –
Dansville	6	water	19.4	9.0	13.1	1 –	1 –
Elmira	8	coal	22.4	4.0	13.2	1 –	1 –
Far Rockaway	7	water	9.7	4.3	7.4	1 –	1 –
Fishkill	6	water	9.5	6.0	7.8	1 –	1 –
Fort Plain	7	water	26.3	3.2	16.9	1 –	1 –
Fredonia	6	coal	28.8	5.2	19.2	1 –	1 –
Fulton	4	coal	16.3	11.7	13.6	2.8	1 –
	4	mixed	21.1	1.8	12.9	1.2	1 –
Geneseo	6	coal	20.8	5.0	12.6	1 –	1 –
Geneva	10	coal	19.9	7.2	12.8	1 –	1 –
Glen Cove	6	water	15.7	6.3	9.8	1 –	1 –
Glens Falls	10	coal	29.3	6.1	18.9	1 –	1 –
Goshen	6	coal	13.0	5.1	9.3	1.3	1 –
Granville	6	water	13.0	2.8	8.8	1 –	1 –
Haverstraw	6	water	17.8	5.8	11.1	1 –	1 –
Herkimer	7	water	12.6	5.2	8.5	1 –	1 –
Hoosick Falls	6	coal	17.7	7.1	13.5	2.8	1 –
Hudson	7	coal	19.5	7.4	12.5	1 –	1 –
Huntington	7	water	12.0	5.4	8.4	1 –	1 –
Ithaca	11	coal	20.8	7.7	11.6	20.5	1.4
Johnstown	15	water	12.6	2.8	7.4	1 –	1 –
Kingston	10	coal	30.6	10.6	17.3	1 –	1 –
Little Falls	15	water	14.3	4.6	9.5	1 –	1 –
Lockport	10	coal	16.1	9.5	12.9	4.5	1.2
Lyons	6	coal	7.3	3.0	6.2	5.5	1 –
Malone	6	coal	15.9	9.7	13.6	1 –	1 –
Mechanicville	6	water	19.0	7.7	10.6	1 –	1 –
Medina	5	coal	18.9	7.5	11.9	20.0	1.6
Middletown	8	water	11.4	4.1	8.1	1 –	1 –
Mt. Vernon	26	water	12.1	5.0	7.8	1 –	1 –
Newark	6	coal	19.3	3.0	10.6	9.4	1 –
Newburgh	12	water	22.1	9.0	11.9	1 –	1 –
Niagara Falls	9	coal	15.6	5.5	10.7	1 –	1 –
Norwich	7	water	11.0	3.8	6.3	1 –	1 –
Nyack	8	water	10.1	3.3	7.2	1 –	1 –
Ogdensburg	7	coal	15.2	2.4	9.5	1.4	1 –
Oneida	6	coal	25.6	13.8	17.4	1 –	1 –
Oneonta	7	water	30.1	4.0	13.6	1 –	1 –
Ossining	8	water	11.5	4.1	8.0	1 –	1 –
Oswego	9	coal	16.9	7.3	11.7	42.3	1 –
Owego	7	coal	11.9	2.9	6.9	18.5	3.2
Palmyra	6	coal	9.4	3.6	6.6	20.8	1 –
Patchogue	6	water	9.8	3.5	6.8	1 –	1 –
Peekskill	7	water	7.9	3.2	6.1	1 –	1 –
Penn Yan	6	coal	28.5	5.0	17.7	1 –	1 –
Plattsburgh	7	water	7.8	4.0	5.8	1 –	1 –
Port Jervis	7	water	13.6	3.8	8.3	1 –	1 –
Poughkeepsie	16	water	11.8	6.0	9.0	1 –	1 –
Rensselaer	6	coal	15.5	8.2	11.1	1 –	1 –
Rochester	27	mixed	16.6	2.4	11.0	1 –	1 –
Rockville Center	14	water	16.4	4.9	9.4	1 –	1 –

TABLE III (*concluded*).

Place of test.	Number of tests.	Kind of gas.	Gr. per 100 cu. ft. of gas.				
			Sulphur.			Ammonia.	
			Highest.	Lowest.	Average.	Highest.	Lowest.
Rome	1	coal	3.7	3.7	3.7	1 –	1 –
	10	mixed	21.4	5.0	10.3	5.3	1 –
Sag Harbor	7	water	11.0	5.0	8.6	1 –	1 –
Sandy Hill	7	coal	25.3	10.0	19.0	1 –	1 –
Saratoga	10	water	16.7	4.0	10.1	1 –	1 –
Saugerties	6	coal	12.8	5.2	10.2	1 –	1 –
Schenectady	21	water	11.1	3.3	6.2	1 –	1 –
Seneca Falls	8	coal	16.0	5.3	12.1	1 –	1 –
Suffern	6	water	20.3	8.3	14.8	1 –	1 –
Syracuse	24	mixed	15.8	3.6	11.1	1 –	1 –
Tarrytown	11	water	9.9	5.2	6.8	1 –	1 –
Tonawanda	8	coal	25.3	4.2	15.7	1 –	1 –
Troy	25	water	13.2	3.5	7.2	1 –	1 –
Utica	25	water	14.5	2.9	8.8	1 –	1 –
Wappingers Falls	6	coal	8.2	2.8	5.0	17.3	2.6
Warsaw	6	water	21.6	3.6	13.6	1 –	1 –
Watertown	15	coal	28.1	9.8	17.7	1 –	1 –
Waterville	6	water	12.6	5.5	8.6	1 –	1 –
Watkins	6	coal	18.3	5.5	11.8	1 –	1 –
Waverly	6	water	11.0	4.6	6.9	1 –	1 –
White Plains	11	water	11.5	2.2	7.1	1 –	1 –
Yonkers	25	water	19.9	5.2	9.0	1 –	1 –

TABLE IV: Showing the number of tests made in each municipality, and the highest, lowest, and average pressure of gas in each obtaining at the time of test:

Place of test.	Kind of gas.	Number of tests.	Pressure in inches of water.		
			Highest.	Lowest.	Average.
Albany	water	26	4.2	3.1	3.7
Albion	coal	6	3.4	2.9	2.2
Amsterdam	coal	9	2.8	2.4	2.6
	mixed	5	3.2	2.6	3.0
Auburn	coal	17	3.5	2.5	3.1
Bath	coal	6	3.1	2.7	2.9
Binghamton	water	22	4.0	2.6	3.2
Bay Shore	water	8	3.1	2.5	2.9
Brockport	coal	6	3.4	2.9	3.
Buffalo	coal	26	2.4	1.6	1.9
Canandaigua	coal	6	3.2	2.2	2.9
Canastota	water	6	*	2.8	*3.2
Catskill	coal	6	2.7	2.3	2.6
Clifton Springs	water	7	3.0	2.4	2.7
Cohoes	water	11	2.9	2.3	2.6
Cooperstown	coal	5	2.9	1.9	2.3
Corning	coal	6	2.7	2.0	2.4
Cortland	coal	8	3.5	2.4	2.6
Dansville	water	6	4.0	2.7	3.1
Elmira	coal	8	2.5	2.3	2.4
Far Rockaway	water	7	2.8	2.4	2.7
Fishkill	water	7	3.1	2.3	2.7
Fort Plain	water	7	*	2.8	*2.9
Fredonia	coal	6	2.8	2.2	2.6
Fulton	coal	4	4.3	3.2	3.6
	mixed	4	3.6	1.5	2.8
Geneseo	coal	6	4.7	4.2	4.4
Geneva	coal	10	3.1	2.5	2.8
Glen Cove	water	6	5.2	3.1	3.6
Glens Falls	coal	10	3.6	2.8	3.2
Goshen	coal	6	3.1	2.3	2.6
Granville	water	6	2.8	2.4	2.7
Haverstraw	water	6	3.1	2.6	2.9

* One or more pressures not included, being higher than the recording capacity of the gauge.

TABLE IV (*concluded*).

Place of test.	Kind of gas.	Number of tests.	Pressure in inches of water.		
			Highest.	Lowest.	Average.
Herkimer	water	7	*	3.3	*3.5
Hoosick Falls	coal	6	2.9	2.6	2.8
Hudson	coal	7	3.7	2.3	2.6
Huntington	water	7	3.4	3.2	3.3
Ithaca	coal	11	2.8	2.4	2.6
Johnstown	water	15	3.2	1.9	2.7
Kingston	coal	12	*	2.6	*3.0
Little Falls	water	15	4.4	2.3	3.0
Lockport	coal	10	5.0	2.7	3.8
Lyons	coal	6	3.0	2.7	2.9
Malone	coal	6	2.3	1.7	2.0
Mechanicville	water	5	3.4	2.7	3.0
Medina	coal	6	2.4	1.8	2.1
Middletown	water	9	3.2	2.5	2.9
Mt. Vernon	water	26	3.2	2.3	2.8
Newark	coal	6	2.8	2.4	2.6
Newburgh	water	13	3.0	2.2	2.7
Niagara Falls	coal	9	3.7	3.0	3.5
Norwich	water	7	2.9	2.5	2.7
Nyack	water	8	2.5	2.2	2.4
Ogdensburg	coal	6	3.2	1.9	2.3
Oneida	coal	7	3.3	1.7	2.5
Oneonta	water	7	3.6	2.8	3.4
Ossining	water	8	3.5	2.8	3.1
Oswego	coal	9	2.9	2.1	2.5
Owego	coal	7	2.5	1.9	2.3
Palmyra	coal	6	5.5	4.5	*5.0
Patchogue	water	6	3.3	2.4	2.8
Peekskill	water	9	3.3	2.8	3.0
Penn Yan	coal	6	3.2	2.8	3.0
Plattsburgh	water	7	3.3	2.8	3.1
Port Jervis	water	7	3.1	2.8	2.9
Poughkeepsie	water	16	3.3	2.3	2.9
Rensselaer	coal	6	1.9	1.6	1.7
Rochester	mixed	27	4.4	3.1	3.6
Rockville Center	water	14	3.2	2.8	3.0
Rome	coal	1	3.2	3.2	3.2
	mixed	10	5.2	2.6	3.2
Sag Harbor	water	7	3.1	2.7	2.9
Sandy Hill	coal	7	4.1	3.8	*4.0
Saratoga	water	10	3.7	2.3	2.8
Saugerties	coal	6	4.4	3.2	3.8
Schenectady	water	23	3.0	1.5	2.5
Seneca Falls	coal	8	3.2	2.8	3.0
Suffern	water	6	3.0	2.4	2.9
Syracuse	mixed	26	4.0	2.5	3.1
Tarrytown	water	12	2.7	2.2	2.4
Tonawanda	coal	9	2.9	2.3	2.5
Troy	water	27	2.2	1.1	1.8
Utica	water	26	*	1.6	*3.0
Wappingers Falls	coal	6	3.6	3.1	3.4
Warsaw	water	6	2.3	1.9	2.0
Watertown	coal	15	3.2	2.0	2.6
Waterville	water	6	2.6	2.4	2.5
Watkins	coal	6	2.6	2.0	2.4
Waverly	water	6	3.7	2.6	2.9
White Plains	water	11	2.9	1.8	2.3
Yonkers	water	26	3.3	2.3	2.5

* One or more pressures not included, being higher than the recording capacity of the gauge.

TABLE V: Comparative statement for the years 1908 and 1909, giving (1) the total number of tests of gas; (2) the number of tests and per cent of total showing standard gas; and (3) the number of tests, number of deficiencies and per cent of deficiencies in respect each to candle-power, sulphur, ammonia, and hydrogen sulphide.

Kind of gas.	Total number of tests.	Standard gas.		Tests showing deficiencies in respect to—											
				Candle-power.			Sulphur.			Ammonia.			Hydrogen sulphide.		
		Number of tests.	Per cent of tests.	Number of tests.	Times def.	Per cent def.	Number of tests.	Times def.	Per cent def.	Number of tests.	Times def.	Per cent def.	Number of tests.	Times def.	Per cent def.
Coal:															
1908	283	142	50.2	282	110	39.0	277	21	7.6	283	9	3.2	283	25	8.8
1909	337	194	57.6	335	97	28.9	331	44	13.3	333	10	30.0	337	25	7.4
Water:															
1908	373	251	67.3	373	107	28.7	366	8	2.2	371	0	0	373	38	10.2
1909	478	301	63.0	475	109	22.9	465	9	1.9	469	0	0	478	92	19.2
Mixed:															
1908	76	61	80.2	76	10	13.2	74	1	1.4	76	0	0	76	0	0
1909	72	54	75.0	72	16	22.2	70	4	5.7	72	0	0	72	0	0

TABLE VI: Comparative statements for the years 1908 and 1909, giving with respect to the number of companies whose gas was tested (1) the number of companies having standard gas on all tests and the per cent, and (2) the number of companies whose gas supply conformed to requirements on all tests in respect each to candle-power, sulphur, ammonia, and hydrogen sulphide.

Kind of gas.	Number of companies.	Number having standard gas.		Number having on all tests standard gas in respect to—							
				Candle-power.		Sulphur.		Ammonia.		Hydrogen sulphide.	
		Number.	Per cent.	Number of companies.	Per cent.	Number of companies.	Per cent.	Number of companies.	Per cent.	Number of companies.	Per cent.
Coal:											
1908	45	5	11.1	11	24.5	29	64.4	41	91.1	33	73.4
1909	43	4	9.3	13	30.2	25	58.2	36	83.8	31	72.1
Water:											
1908	45	6	13.3	7	15.6	40	88.9	45	100.0	28	62.2
1909	43	2	4.7	12	27.9	37	86.0	43	100.0	14	32.6
Mixed:											
1908	7	3	42.9	4	57.1	6	85.7	7	100.0	7	100.0
1909	5	1	20.0	1	20.0	2	40.0	5	100.0	5	100.0

Gas Meters and Provers: All gas meters are inspected, approved, and sealed by the Commission prior to their installation on consumers' premises.

For the year, 95,297 meters were verified and sealed as correct within the 2 per cent limit of error allowed by law, and 3598 were rejected, being either 2 per cent or more fast or slow, or unsound. Of the total number sealed, new meters comprised 35 per cent, and repaired meters 65 per cent. Natural gas companies furnished 21.3 per cent, and manufactured gas companies 78.7 per cent of the total. The following table summarizes the results as to the number of meters found fast or slow within and without the 2 per cent limit of error, and gives the average and maximum percentage of registration:

Meters.	Fast.			Slow.			100 % correct.	Unsound.
	Number.	Average %	Maximum %	Number.	Average %	Maximum %	Number.	Number.
Less than 2% error...	19,825	0.92	.....	54,691	1.08	.....	20,781	.....
Error of 2% and over.	1,823	3.96	18.0	1,422	5.51	80.0	.....	353

Upon application of consumers, special tests were made of 150 meters, 59 of which were found to register 2 per cent or more fast, or to the prejudice of the consumer. The percentages of error of these meters were as follows: 4 registered 2 per cent; 26, 3 per cent; 11, 4 per cent; 8, 5 per cent; 4, 6 per cent; 2, 7 per cent; 2, 8 per cent; 1, 9 per cent; and 1, 14 per cent fast.

Twelve of the complaint meters registered 2 per cent or more slow. Of these, 1 registered 2 per cent; 2, 3 per cent; 3, 4 per cent; 2, 8 per cent; 1, 9 per cent; and 1, 23 per cent slow.

The remainder of the complaint meters, 79 in number, were found correct within 2 per cent of accuracy.

The requirements of law, that each gas corporation shall provide in and upon its premises suitable apparatus with which meters may be tested, has been substantially observed. Ninety-three corporations are now provided with testing apparatus, comprising one or more provers and appliances, inspected and approved by the Commission. A few of the smaller corporations have not as yet, for financial reasons, complied with the requirement. The Commission has exercised its discretion in these cases

and has not insisted upon compliance, the intent of the law satisfactorily being met in the use by agreement of the apparatus at adjacent works or at meter factories.

Rules and regulations governing the tests of gas meters have been formulated, and for the information of the companies as well as for the guidance of the inspectors have been printed and distributed.

The powers of the Commission relating in all respects to the testing of gas meters, delegated March 1, 1908, in pursuance of the provisions of section 77 of the Public Service Commissions Law, to the municipal authorities of the City of Syracuse, were revoked March 1, 1909, this action being taken on the initiative of the Commissioner of Public Safety of the city.

Electric Meters and Station Standards: The work of inspecting electric meters has been carried on as indicated in the Second Annual Report of the Commission. The feasibility of instituting a system whereby each electric meter in the Second District would be tested and sealed by an inspector of the Commission has been fully discussed in previous reports. The system which has been developed consists of (1) the maintenance by each company at its station of suitable testing standards, (2) the frequent checking of such apparatus by inspectors of the Commission, (3) the filing of monthly reports of consumers' electric meters tested by each company, (4) the general supervision of testing methods, and (5) the testing of consumers' meters upon complaint.

During the year 20 corporations have installed testing apparatus upon recommendation of the Commission, 23 other corporations have equipped themselves with additional instruments, making in all 233 corporations now provided with apparatus approved by the Commission.

The Commission has tested 1744 station standards, as shown in the following table:

	Number of tests.	Certificates issued.	Ordered recal.	Calib. by Inspects.
Rotating standards.....	953	918	35	58
Indicating wattmeters....	497	472	25	4
Ammeters	123	118	5	1
Voltmeters	171	166	5	0
	1744	1674	70	63

These standards were checked for the most part at the plants of the corporations. The portable instruments used by the Commission in this work were checked at the electrical laboratory of the Commission in Albany, the laboratory standards being in turn checked at the National Bureau of Standards in Washington.

The monthly reports filed by corporations of consumers' electric meters tested show results tabulated as follows:

Month.	Corporations.		Meters tested.			Total meters tested.
	Number of.	Number of tests.	4% or more fast.	4% or more slow.	Accurate within 4%	
December, 1908.....	215	68	749	1,730	4,073	6,552
January, 1909.....	223	74	756	1,369	4,141	6,266
February, 1909.....	222	81	661	1,471	4,274	6,406
March, 1909.....	227	72	703	1,539	5,063	7,305
April, 1909.....	228	86	612	1,461	5,182	7,255
May, 1909.....	228	97	522	1,295	4,901	6,718
June, 1909.....	229	98	593	1,319	4,436	6,348
July, 1909.....	230	96	669	1,440	4,980	7,089
August, 1909.....	230	89	488	1,096	4,167	5,751
September, 1909.....	229	101	552	1,223	4,119	5,894
October, 1909.....	233	97	583	1,130	4,507	6,220
November, 1909.....	233	86	570	1,012	4,730	6,312
Totals.....	.....	.....	7,458	16,085	54,573	78,116

These reports show that the larger corporations and a number of the smaller corporations are at present making periodic inspections of all consumers' meters. On the other hand, it is evident that a number of corporations are making no endeavor to do such work, and for that reason it may become necessary to order a periodic inspection of meters by the corporations and to require a sworn monthly report of such tests. The extent of this work may be estimated from data received by the Commission, which shows that 157 corporations, including all the large operating concerns, at the present time have installed on the premises of consumers approximately 90,000 meters, 68,000 of which are induction type, 20,000 commutator type, and the remainder other types: such as graphic meters, maximum demand meters, etc. These figures fairly represent within 10 per cent the total number of meters installed in this Second District.

A bulletin of general instructions as to the testing of consumers' meters has been issued. Rules in detail are in course of preparation.

There have been tested on complaint of individual consumers 73 meters, 11 of which were found to be 4 per cent or more fast,

6 of which were 4 per cent or more slow, 4 were wrongly connected, and 52 were correct within 4 per cent. The Commission in January, 1909, reduced its schedule of fees for making complaint tests.

Gas and Electrical Laboratories: The maintenance of laboratories, properly equipped for gas analysis and electrical tests, is necessary to the work of this Division.

The gas laboratory established by the former Commission of Gas and Electricity was transferred to this Commission in July, 1907. The apparatus consisted at that time of stationary and portable standards for use mainly in testing gas for its illuminating power and purity. The equipment was found inadequate for the larger duties of this Commission, and has been increased and supplemented in several respects. Additional portable standards for the use of the inspectors in testing gas for candle-power and purity have been purchased, enabling a larger number of tests to be made, and standards with necessary appurtenances for the testing and sealing of gas meters and the testing of gas for its heating power have been added to the equipment originally taken over.

The laboratory standards and appurtenances now consist of a closed bar stationary photometer and three six-foot wet meters for candle-power determinations; a complete outfit for the analysis of gas for the presence of sulphur; a standardized meter prover; a standardized cubic foot measure for use in testing meter provers; an outfit for making brass badges for gas meter sealing purposes; and materials and supplies, of which may be mentioned as the most important the chemicals used in the standardizing of solutions and in the preparation of reagents for the inspectors.

The portable apparatus comprises two Junker calorimeters with accessories for heat unit tests, four portable photometers for candle-power tests, four portable sulphur and ammonia outfits, and meter sealing appliances. The entire equipment has been provided at a cost approximately of $3900.

The laboratory is located in the State Power House building. By reason of building improvements under way on adjacent property, the rooms have been made unsuitable to laboratory purposes.

It has been found necessary to discontinue certain features of the work, and all of the work is carried on under most adverse conditions in many respects. Provision should be made for adequate and proper quarters, not only for the gas laboratory, but as well for the electrical laboratory.

The electrical laboratory is located in the basement rooms of 14 Washington avenue, Albany, a former private dwelling leased and converted by this Commission into offices. The equipment of this laboratory, which has been provided entirely by this Commission, comprises portable standards, laboratory standards, and auxiliaries. The cost to date of the total apparatus has been approximately $6500. The portable standards include voltmeters and indicating wattmeters of the shielded dynamometer type, alternating current ammeters, current and potential transformers, milli-voltmeters and shunts for direct current use, stop watches, and portable graphic meters.

The laboratory standards include a set of six Weston standard cells, a potentiometer with galvanometer, lamp and scale, standard resistance, standard voltmeters and milli-voltmeters with shunts, and a dynamometer used for alternating current work.

The auxiliary apparatus consists of two sets of chloride accumulator batteries, one mercury arc rectifier, charging set and necessary test benches, lamp banks, etc. There is also installed a frequency and power factor changing motor-generator set with switchboard, from which alternating current of any frequency from 22½ to 140 cycles at any power factor can be readily obtained.

The electrical field work includes (1) the testing of integrating watt-hour meters upon complaint of consumers; (2) the calibration of apparatus used by companies in checking consumers' meters; (3) the checking of voltage on the various systems and upon complaint; (4) the determination of maximum and average demand in specific cases. This field work covers tests on alternating current systems of from 25 to 140 cycles frequency and from 55 to 11,000 volts; and upon direct current systems of 110, 220, and 500 volt potential. The capacity of the various instruments checked varies from a fraction of an ampere to 1200 amperes. The equipment of the Commission is ample to handle this extensive range of determinations.

In view of the wide variety of supply current, it became desirable to be able to reproduce in the laboratory of the Commission the conditions existing among the different corporations. For this purpose the auxiliary apparatus above mentioned was ordered and recently has been installed, in the use of which checks are made on the portable standards of the Commission under all conditions met with in the routine work of meter testing. The ultimate laboratory standards are checked by comparison with the standards of the National Bureau of Standards in Washington.

In addition to the field work, the Commission is now prepared to test at its laboratory the various types of house meters with a view to ascertaining their fitness for general use. By reason of the large number of different types of these meters now in use in the Second District, such investigation presents a broad field of work, with the probabilities of fruitful results.

A number of investigations into the regulation of electric supply systems as to their use for incandescent lighting have been made, both on complaint and on motion of the Commission, and there is in contemplation the practicability of a general investigation of this important matter. The varying conditions of supply, not only in different communities but in different sections of the same community, surround such an undertaking with innumerable difficulties, and it may be found impossible to prescribe fixed standards of regulation applicable alike to all corporations. This and other matters of electrical testing field work will receive the continued consideration of the Commission in the ensuing year.

DIVISION OF STATISTICS AND ACCOUNTS

The principal part of the work of this Division during the year has consisted in the examination of the reports submitted by railroad and street railroad corporations for the year ended June 30, 1908, and those submitted by electrical corporations and gas corporations for the six months ended December 31, 1907, and those for the year 1908. The six months' reports were made necessary by a change in the reporting year. The former Commission of Gas and Electricity had called for reports for the year ending June 30th, and this Commission received from electrical corporations and gas corporations their reports for the year ended June

30, 1907, on the blank forms which had been distributed by the former Commission. At the hearings held by this Commission in connection with the development of uniform systems of accounts for electrical corporations and gas corporations, it appeared to be the substantially unanimous desire of corporations represented at such hearings that the reporting year should be made to coincide with the calendar year. The fixing of the reporting year for these two classes of corporations having been placed by the statute in the discretion of the Public Service Commissions, and there appearing to be not only no administrative objection to the proposed change but some advantage owing to the more even distribution through the year of the work of testing and analyzing the reports of the common carrier corporations and the lighting corporations, it was determined by the Commission that the reporting year for electrical corporations and gas corporations should be made coincident with the calendar year, and that to make the adjustment a report should be called for which should cover the latter half of the year 1907.

The forms for annual reports of corporations that had been in use by the former Board of Railroad Commissioners and the former Commission of Gas and Electricity being judged insufficient in fullness of detail, and the statute directing this Commission in its annual reports required of common carrier corporations engaged in interstate commerce to conform as nearly as practicable to forms of annual reports required from time to time of such corporations by the Interstate Commerce Commission, new forms of annual reports were prepared, those for steam railroad corporations being modeled upon the forms then in use by the Interstate Commerce Commission, with such variations as were considered to be advisable because of the difference in the powers and duties of this Commission as compared with those of the Interstate Commerce Commission. The forms for street and interurban railroad corporations were prepared on the same general plan as those for steam railroad corporations, although the details necessarily differed very considerably. The first year's use of these new and extended forms was necessarily attended with a variety of difficulties that will be avoided in the following years. The requirements of a new form of report are certain to receive a

variety of interpretations, and to reduce these to uniformity is a matter involving both time and patience. Where the report is a mere skeleton, the variety of interpretations may not be apparent on the face of the reports, but where it goes into considerable detail, there are likely to be inconsistencies in it which are disclosed by a careful test. The correction of these will show how the erroneous interpretations arose and what steps are advisable for their prevention in future reports. Such correction has necessarily thus far, because of the absence of a body of traveling auditors or examiners in the staff of this Division, been attempted through correspondence. It thus happens that a vast mass of correspondence has been necessary in the correction of the annual reports rendered by the corporations for the year 1908. Because of the thoroughness with which this work has been done it is expected that much less will be necessary in connection with the reports for 1909. Indeed, the representatives of one considerable group or system of corporations are already making a careful scrutiny of the reports rendered in behalf of those corporations and filing corrections of the errors discovered, preferring to anticipate the results of the test of the reports to be made by this Division.

The reports rendered by most of the electrical corporations and gas corporations were much less satisfactory than those made by the railroad corporations and street railroad corporations, although it should be stated that some of the larger of the lighting corporations made good reports. Uniformity of accounting is much less an accomplished matter among electrical corporations and gas corporations than it is among railroad corporations and street railroad corporations, and inasmuch as the accounting orders of this Commission for electrical corporations and gas corporations did not become effective until January 1, 1909, the reports for the latter half of 1907 and for the year 1908 were necessarily compiled from records that had not been constructed under the prescribed uniform systems of accounts. We expect to find that the reports for the year 1909, being based on the uniform systems of accounts prescribed by this Commission, are much more consistent than those rendered for preceding years, and will require correspondingly less correction. The corporations have, in the main,

entered heartily into the spirit of these accounting orders. Numerous practical questions in connection with the interpretation of these orders have been submitted to this Division and tentative decisions have been given thereon. After such decisions have been subjected to the criticism of the various persons interested in questions of this character they will be laid before the Commission for its action.

In this connection it is proper to mention the valuable aid rendered by the accounting committee of the Empire State Gas and Electric Association. This association, which comprises many of the lighting corporations of the State, has a committee for the purpose of considering questions arising in connection with accounting practice. Shortly after the adoption of the accounting orders of this Commission effective January 1, 1909, many of the smaller lighting corporations began to make inquiries concerning the readiest means of procuring suitable stationery and other material aids in systematic accounting. Inasmuch as the accounting committee of this association was composed of practical accounting officers of various corporations ranging from large to small, and inasmuch as it seemed inadvisable for this Commission to promulgate at the present time any orders fixing the forms of stationery and other matters of practical detail, the question of bookkeeping forms was referred to this committee. The committee gave much attention to the matter. Several conferences were had between the members of the committee and representatives of the Commission, and at the annual meeting of the association, November 17, 1909, the committee made a very carefully worked-out report and recommended a very satisfactory set of accounting forms. It also gave a simple yet thorough discussion of the principles of bookkeeping as applied in the accounting of electrical corporations and gas corporations. It is thought that this report will be of material assistance to the smaller corporations whose revenues are not sufficiently large to enable them to employ skilled accountants.

The situation of the small corporations with regard to accounting is one worthy of attention. While in a small corporation where the manager comes into intimate personal contact with most of the affairs of the corporation it is unnecessary to keep such

detailed records as in a large corporation where the managers are compelled to rely largely on the records for their knowledge of what is going on, it is probably true that the small corporations would be materially benefited were their accounts more carefully kept and more careful study given to them and to comparison of them with those of other similarly situated corporations. Such study could hardly fail to disclose many now unsuspected leaks, both in expenses and in revenues, stoppage of which would more than cover the increased cost in the accounting. If the accounting is carefully systematized, the more accurate accounting will frequently cost no more than the present slip-shod work.

The State requires of these corporations annual reports. These, if they are to have any significance, must be based on facts systematically recorded and presented. The corporations, while rendering an important and usually highly appreciated service in their respective communities, are, because of the smallness of these communities, limited to extremely slender revenues, such that the cost of the services of skilled accountants seems one of the expenses most easily avoided and therefore least necessary to incur. It is worthy of consideration whether under such circumstances it would not be proper for the State to provide traveling auditors who should occasionally visit each of these corporations and exercise an oversight over the accounting. Such provision would result in little if any increase of public expense, for it would head off many errors, some of which are not now detected until they become apparent through internal inconsistencies in annual reports, and others of which are never detected. The correction of an accounting error as a result of a test of an annual report made from twelve to eighteen months after the error occurred is altogether unsatisfactory. It may furnish information of value in future cases, but can not be of anywhere near the value an earlier examination might have been. But many errors in accounting are impossible of detection in an annual report because not necessarily resulting in an inconsistency. They do necessarily result, however, in preventing uniformity of accounting, and in proportion to their magnitude they vitiate any conclusions that may be drawn from statistics based upon the erroneous accounting. Such considerations as these lead irresistibly to the con-

clusion, that if these minor corporations are to be required to keep prescribed accounts, traveling auditors should be provided to supervise their accounting. Most of the municipal plants are particularly in need of such aid, and many of them have made requests for it.

DIVISION OF TARIFFS

Schedules to the number of 17,508 have been filed during the first eleven months of the year, and adding to that the number which had been previously filed makes a total approximating more than 60,000. In this total each tariff and supplement is counted as a schedule, and each has been properly recorded in such a manner as will constitute a complete and permanent record of the rates, fares, and charges applying to the transportation of persons and property between points within the State since November 1, 1907. All these schedules are readily accessible at any time, and the location of each is made easy under the index system used. By this index it is shown that specific commodity rates are carried by the steam railroad companies in this State on 1739 articles, by electric and interurban companies on 495 articles, and by miscellaneous transportation companies on 124 articles.

On December 1, 1909, the number of rate schedules in effect, including such as have been filed and that are to take effect on or before December 31, 1909, was 10,837, classified as follows:

Express companies	2,279
Steam railroad companies (freight)	7,122
Steam railroad companies (passenger)	1,038
Electric railroad companies (freight)	182
Electric railroad companies (passenger)	158
Miscellaneous transportation companies (freight)	45
Miscellaneous transportation companies (passenger)	13
Total	10,837

In this count tariff supplements are not included; to include them would increase the number to a total of at least 15,000.

The foregoing indicates that approximately 45,000 schedules have been canceled between the time carriers first filed their tariffs and November 30, 1909. The cancellation of this exceedingly large number may be primarily attributed to three causes:

(1) reissuance of tariffs to conform to the standard prescribed by the Commission's rules and regulations governing tariff construction; (2) short term passenger excursion tariffs; (3) rate changes.

The conditions existing with respect to rate schedules when first filed have been fully covered in reports which have heretofore been made. It is only necessary at this time to speak of the progress which has been made toward improvement.

The improvements most noted in tariff construction are those of consolidation of rates applying to the same commodity into one schedule, the elimination from tariffs of duplicating matter, the arrangement in uniform order of the matter which they contain, and a statement of rates in a plain and concise manner.

In regard to the consolidation of commodity rates, it is not infrequent that a single tariff is made to carry the rates theretofore carried in from five to twenty tariffs; in one particular instance in mind the rates formerly carried in 162 tariffs were consolidated and are now carried in one schedule.

Joint rates applying to both classes and commodities which are in excess of rates obtained by combination of local rates are receiving much attention and are being revised, putting the rates upon a proper basis.

Fully 60 per cent of the schedules which were filed on or before November 1, 1907, have been canceled by superseding tariffs, in which issues the requirements of the tariff rules have been observed to a great degree. A comparatively small number are still in force, but the work of bringing these tariffs into conformity with the rules is reported by carriers as being well under way, and so far progressed is the work that it is expected it will be fully completed within the next few months.

The importance of a uniform plan to govern tariff construction and order in arrangement of the matter, showing the application of rates in a clear and plain manner, is recognized by carriers as being of benefit alike to themselves as well as to shippers, and they have given to the Commission their most cordial coöperation toward accomplishing this end. The present situation respecting rate schedules considered as a whole shows that substantial progress has been made.

An exceedingly large number of short term tariffs covering low rate excursion fares are issued each year by the various carriers in this State. The number of this class of tariffs which were filed this year exceeds that of the previous year; this indicates that the plan of offering opportunity for frequent travel at a comparatively small cost is growing in favor.

The relation which freight and express rates bears to industrial and commercial life makes necessary very frequent revision in order to take care of the constant change arising in business conditions. A comprehensive idea of the rate changes made and their effect upon traffic moved thereunder is given by the following analysis of tariff changes during the period of the time covered by this report.

Six hundred and nine applications were made to the Commission to change rates or fares upon less than statutory notice; of this number, 573 were granted, all of which, with the exception in a few instances where applications were to make correction of typographical or clerical errors, were to make reductions from rates then in effect: 12 of the applications granted were not used; 11 were issued to express companies; 514 to steam railroad companies, of which 480 related to freight and 34 to passenger transportation; 30 to electric and interurban railroad companies; and 6 to miscellaneous transportation companies.

The unusual conditions which existed during the year made necessary a large number of changes in ice rates: 124 of the applications referred to were granted to cover such changes. Other changes in leading commodities were stone, 49; lumber and forest products, 29; sand and gravel, 23; grain and grain products, 20; brick, 25; and fruit and vegetables, 21.

Of the rate changes made upon statutory notice the number changed in express merchandise tariffs was approximately 4500; of such total number 89 per cent were reductions from rates then in effect. The commodity rates of express companies were also changed to the extent that the rates in more than two hundred tariffs were revised; in this revision 85 per cent of the total changes so made were reductions.

From the examination of some 150 passenger fare schedules and more than 4100 freight tariffs of steam railroad companies

in which rate changes were made, the change in the tariffs varying from that of a single rate change to several hundred, aggregating in number a total reaching to many thousands, it is ascertained by careful estimate that fully 65 per cent of the passenger fares and 80 per cent of the freight rates so changed were reductions from fares and rates then in force.

In a number of cases inquiry was made relative to the reasons existing for the cancellations of certain commodity rates by which cancellations such rates were restored to the higher class-rate basis. The answers given explained that at the time the commodity rates were established there was traffic to move between points from and to which the rates applied, and in order to move it the low rates were necessary, but from investigation it was shown that for some time past no traffic had moved and that there was no more traffic to be moved to necessitate the continuance of the commodity rates, and that in their cancellations it was working no hardship upon any one and that the cancellations were made in order to clear the records of unnecessary rates. In the estimate all cases of this kind have been counted as advances in rates, while in reality, as will be seen from the foregoing, no advances were made in rates upon traffic that is actually moving. If it were possible to determine all cases so referred to and they were eliminated from the estimate, the percentage of reduction of changed freight rates would be somewhat larger.

In the following table is shown the number of freight tariffs in which rate changes have been made, the articles affected by the changes, and the percentage which the tariffs containing reductions bears to the total number of tariffs changed:

Articles.	Number of schedules changed.	Per cent of reduction.
Class rates	242	68
Brick and clay products	228	89
Cement, lime, and plaster	239	73
Dairy products	64	59
Fruit and vegetables	112	85
Grain and grain products	177	75
Hay and straw	34	97
Ice	197	97
Iron and steel	342	78
Lumber and forest products	470	86
Oil, petroleum and petroleum products	43	78

Articles.	Number of schedules changed.	Per cent of reduction
Paper and board (box or pulp)	145	84
Sand, gravel, and stone	388	87
Miscellaneous commodities	947	76
Switching charges	165	
Switching absorptions	50	
Miscellaneous schedules	288	

Freight and passenger tariffs of electric and interurban railroad companies have also undergone some revision to the extent of making various rate changes in 32 passenger schedules, 7 class-rate freight tariffs, and 45 commodity freight tariffs, of which 59 per cent of the passenger fare schedules and 83 per cent of the commodity freight tariffs contained reductions, and 43 per cent of the class-rate freight tariffs contained advances.

The foregoing statements are carefully made from actual changes which took place as shown by examination of the tariffs filed, and the only inference that can be drawn therefrom is that the trend of rates and fares as applied to New York state commerce has been downward.

Orders to make reparation on applications received have been granted to the number of 137, the amount of reparation involved being $6802.35. Two applications were denied and two were returned to the applicant, as after investigation it was shown that the charges which had been collected were in error and that the rate sought as a basis on which to make reparation was in accord with the tariff rate in effect at time of shipment. At the present time there are 42 applications for reparation under investigation.

The adjustment satisfactorily of informal complaints and the granting of applications ordering reparation as well as orders to establish rates upon less than statutory notice have an effect far more reaching than a mere statement would seem to imply, for the reason that the lower charge sought and granted is not only relief in the immediate case in hand, but such rates established thereafter remain in effect. In many cases the effect by such changed rates is that of causing a readjustment of other rates, revising them to a lower basis.

The use of the tariff file of the Commission by the public is constantly increasing; more frequent requests are made for infor-

mation, and many personal calls for consultation of tariffs have been made, in number greatly exceeding that of last year.

The correspondence conducted in connection with the administration of the tariff rules has been voluminous. It is however expected that as the rules and regulations have now become more thoroughly understood that correspondence will decrease somewhat hereafter.

DIVISION OF RAILROAD ENGINEERING AND INSPECTION

Inspections of Steam Railroads: All the steam railroads within the jurisdiction of this Commission have been inspected during the past year except the line of the Delaware and Hudson. Detailed reports of these inspections will be included in the final report of the Commission. The principal features covered in these reports were explained fully in the Annual Report for 1908 and need not be repeated. Copies of all inspection reports are on file as public records. As soon as possible after the inspection is completed a report is forwarded to the railroad operating officer in charge and his attention is called to such recommendations as the inspector considers it necessary to make. In all inspections special note is made of the compliance or otherwise with previous recommendations. There has been a disposition on the part of the railway officers to work in full harmony with this department of the Commission's duties, and no serious difficulty has been experienced in securing compliance with the recommendations of the inspectors.

The statistical information regarding the length of lines included in the inspectors' reports may be summarized as follows:

Total mileage single track	8,164
Total mileage main tracks	11,609
Total mileage sidings and yard tracks	4,868
Total mileage all tracks	16,477

In addition to the regular work of railroad inspection a portion of the time of the steam railroad inspectors has been devoted to investigating accidents involving defects in roadbed or operation, and the reports of such investigations are on file in the Commission's office.

Inspections of Street Railroads: During the year 1909 the inspections of city street railroads have been more thorough and in

greater detail than any previously made. The reports of such inspections show the different kinds of rail, its cross-section, weight, length of track, substructure of same, when track was laid, what repairs have been made if any, and date of same, and present condition of track divided into four classes: first class, good, fair, and poor. The reports also contain detailed description of each piece of track special work, its location, date of construction, date of renewals and repairs, and present condition. Recommendations are submitted for reconstruction or repairs of track and special work where necessary. The reports are indexed by streets, and furnish a complete history, easy of reference, of track and special work in each street in each city. While this method of inspection of city railroads has involved a large amount of time, the information resulting from it on file, available to the public and for future use of the Commission in its supervision of electric railroads, justifies the time spent in obtaining it.

In addition to the detailed inspection of physical conditions on city roads, an examination of cars, equipment, methods of inspection, repairs, cleaning and heating of cars, and methods of operation has been made, and results included in the report submitted.

The inspection of interurban electric roads has been continued to an extent consistent with other matters requiring the attention of the Electric Railroad Inspector. These inspections have been made along the lines previously employed.

The following roads have been inspected during the past year:

City Roads:

Name of road.	Miles of track.
International Railway	374
Jamestown Street Railway	22
New York City Railway	1.5
Ogdensburg Street Railway	10
Oswego Traction	11.5
Rochester Railway	103.6
Syracuse Rapid Transit Railway	80
Black River Traction	10.4
Yonkers Railroad	30
	643.0

Interurban Roads:

Name of road.	Miles of track.
St. Lawrence International El. Railroad & Land Co	7.5
Auburn & Northern Electric	11
Buffalo & Depew	13.5
Buffalo, Lockport & Rochester	54
Ontario Light & Traction	3
Fonda, Johnstown & Gloversville	85
Albany & Hudson	37
Chautauqua Traction	33.3
Lewiston & Youngstown Frontier	8.5
Westchester Electric	37.8
Niagara Gorge	14.7
Western New York & Pennsylvania	93
Oneida Railway	114.2
Oneonta & Mohawk Valley	67
Penn Yan, Keuka Park & Branchport	9.2
Rochester & Manitou Beach	7.7
Rochester & Eastern	44
Rochester & Sodus Bay	39
Rochester & Suburban	20
Schenectady Railway	132
Geneva, Waterloo, Seneca Falls & Cayuga Lake Traction	17.5
Auburn & Syracuse Electric	54.8
Rochester, Syracuse & Eastern	120
Syracuse, Lake Shore & Northern	48
Syracuse & South Bay Electric	20
Syracuse & Suburban	18
Utica & Mohawk Valley	124.9
Tarrytown, White Plains & Mamaroneck	21
	1,255.6

The following roads have been inspected since the Public Service Commission was created, in addition to those above mentioned:

City Roads:

Name of road.	Miles of track.
Binghamton Railway	46.7
Elmira Water, Light & Railroad	27.8
Hornellsville Electric	5
Ithaca Street Railway	10.5
Kingston Consolidated	9.1
Peekskill Lighting & Railroad	10.6
Port Jervis Electric Light, Power, Gas & Railroad	4.4
	114.1

Interurban Roads:

Name of road.	Miles of track.
Buffalo & Williamsville	11
Buffalo & Lake Erie Traction Co	168
Cortland County Traction Co	15
Elmira & Seneca Lake	16.5
Fishkill Electric	7.5
Buffalo Southern	20
New York & Long Island Traction Co	40
Hornellsville & Canisteo	4.3
Wallkill Transit	11.74
Orange County Traction	18.9
New Paltz, Highland & Poughkeepsie Traction	9.2
Long Island Electric	27.5
Hudson River & Eastern Traction	2.5
Putnam & Westchester Traction	4
Poughkeepsie City & Wappingers Falls	17
	373.14

The following roads have not been inspected under the authority of the Public Service Commission:

City Roads:

Name of road.	Miles of track.
United Traction Company	93.5
Plattsburgh Traction Co	7.7
	101.2

Interurban Roads:

Name of road.	Miles of track.
Babylon Railway	1.5
Catskill Electric Railway	5.3
Corning & Painted Post	5.9
Hudson Valley	128.1
Adirondack Lakes	5
Bennington & North Adams	27
Huntington Railroad Company	3
Keeseville, Ausable Chasm & Lake Champlain	5.6
Lima & Honeoye Falls	5
New York & North Shore Traction Co	10
Northport Traction	2.7
Paul Smith's Elec. Lt. & Pr. & R. R. Co	7
New York & Stamford	18.9
Nassau County Railway	1.5
Troy & New England	10
Waverly, Sayre & Athens Traction	11
Elmira, Corning & Waverly	10
	257.5

Results of Inspections: In addition to the actual improvements made on the different roads in compliance with suggestions or recommendations made by the Commission, the fact that such roads are inspected from time to time results in better maintenance of properties and more efficient service to the public, for the reason that the conditions of each road inspected are set forth in the report on such inspection, and the knowledge that these reports are made public acts as an incentive for companies to have their properties in as good condition as possible when inspected. This is no doubt one of the reasons for the improved conditions found, especially on the interurban roads inspected this year.

During the business depression of 1907–8, electric railroads were affected seriously. The decrease in receipts during that period necessitated the curtailment of service and operating expenses. Maintenance expenditures for track and equipment were reduced to the lowest possible point consistent with safety of operation. This resulted in a condition of track and equipment which required unusually large expenditures to restore to normal conditions. The past year has been a more prosperous one for the companies, all of them showing increased gross earnings and nearly all have been liberal in expenditures for track and equipment improvement.

Interurban Roads: The interurban roads inspected this year, with very few exceptions, are reported as having been materially improved, large sections of track having been ballasted and a sufficient number of tie renewals having been made. Cuts have been properly ditched, shoulders on fills have been extended, curves have been properly elevated, additions have been made to rail-braces, and some companies are using tie-plates on curves. Rights of way have been cleared of trees and brush, and nearly all have been kept free from grass and weeds. A large number of shelter houses have been placed at flag stations and signal lights put up to enable passengers to stop trains at these points.

Nearly all of the roads are employing a sufficient track force to properly maintain track and roadbed.

Several of the interurban railroads in this Public Service District are reported as models of construction and maintenance and comparing favorably with the majority of the steam roads in

this District. Among these are the Rochester, Syracuse and Eastern; the Syracuse, Lake Shore and Northern; Syracuse and South Bay; Utica and Mohawk Valley; Fonda, Johnstown and Gloversville; Buffalo, Lockport and Rochester; and Western New York and Pennsylvania.

Some of this class of railroads are reported as not in first-class condition, and while not at present dangerous for operation, require a considerable expenditure of money to make necessary improvements on them.

Car Heating: A marked improvement has been made in the manner of heating cars during the winter season. A number of the companies have adopted as a standard the hot water heater and as fast as practicable are replacing the electric heater with it. During the winter of 1908–9 very few complaints of insufficient heating of cars were received by this Commission, which is unusual, as previously this was one of the most serious and frequent causes of complaint on city railroads. A number of the roads are operating single-end cars, the heater being placed in the front vestibule, which in addition to the full vestibuling of cars furnishes a comfortable compartment for the motorman.

Pay-as-you-enter Cars: A new type of car has been put into operation on several of the city roads, namely, the pay-as-you-enter car, and other companies are contemplating additions to rolling stock of this class of car. The consensus of opinion of the managers of roads who are operating these cars is that it has been of material benefit in handling the fluctuating travel on city systems and has reduced a class of accidents which are of frequent occurrence: injury to passengers boarding and alighting from cars. The introduction of this class of car caused some inconvenience and confusion to the public, which is being reduced as the people become accustomed to their operation.

Changes in Methods of Operation, Routing Cars, and Restriction in Use of Transfers: During the past year two of the companies operating large city systems have made radical changes in methods of operation and in the use of the transfer. It is alleged that there has been and is at present considerable abuse of the transfer privilege by the patrons of electric railroads in the different cities in this State. It is claimed that transfers are

exchanged by persons living in different parts of cities, enabling two passengers to ride for one fare; also that passengers do not transfer at first intersecting points of routes but continue to some point beyond, returning on same track after making transfer.

In the two cases mentioned above, which are Buffalo and Rochester, serious congestion of cars occurs on the principal streets of the cities during the rush hours. This congestion is so serious as to limit the number of cars which can be operated through those streets during those periods.

To prevent the alleged misuse of the transfer, these companies establish arbitrary transfer points, at which points only transfers will be accepted.

With the object of relieving the congestion of cars, the "near-side" stop was adopted.

The companies claim that both of these radical changes were necessary for proper transportation of passengers and were made only after a careful study of the situation on the part of the operating officials. The result of these changes has caused serious inconvenience to the people of these cities and has added to the congestion of cars on the streets. An almost unanimous public opinion expressed against the changes made has caused the companies to modify their rules in reference to both the transfer and the "near-side" stop.

Accidents: During the year 65 accidents have been investigated. As only one man is available to make inspections and investigate accidents and complaints on electric railroads, only the more serious accidents have been investigated.

Very few collisions have occurred on suburban railroads, but an unusually large number of such accidents have occurred on city railroads, especially in Buffalo and Rochester. These have, however, resulted, with very few exceptions, in only minor injuries. Investigation of these accidents, in most cases, has proven that they were caused by motormen with very little experience.

Rules: Statistics show that four-fifths of the accidents occurring on interurban railroads in this Public Service District result from causes other than defects in track, roadbed, and equipment, and a large number of accidents on these roads are the results of

defects in rules governing operations on them or violation of such rules by employees.

The subject of proper rules for the operation of interurban railroads is one to which this Commission has given serious consideration, and one on which the New York Street Railway Association took action in the adoption of a set of rules. The American Street and Interurban Railway Association at its convention this year also adopted a set of rules which it is expected will be adopted by the various state associations. Without approving or criticising these rules, the adoption of a uniform set of rules to be used on all interurban railroads in this country would be of benefit to the companies and tend to reduce the number of accidents occurring on such roads.

Block Signals: The use of block signals on electric roads is a very important element in the operation of such roads. A number of the interurban roads are equipped with signals. They are also used on nearly all of the city roads, protecting sections of single track where view is limited.

There are several kinds of signals used, both automatically and manually operated.

The automatic system generally consists of a trolley contact operating semaphores or lights, and in some cases, both. Some of these systems are arranged to count cars in and out of blocks, permitting more than one car moving in the same direction in a block at one time.

The manually operated systems in use generally consist of a series of incandescent lamps, a portion of the lights of a series being placed at each end of a block so arranged that if one lamp fails all the lights at each end of the block are extinguished. These lights are controlled by switches operated by the car crews.

There is also in use a system of semaphores and signals operated only from the despatcher's office. This system should be used only for stopping cars to give crews instructions or train orders.

The manual system is in more general use than any of the others. Nearly all the single track interurban roads are equipped with it.

In addition to the above system, the Auburn and Northern road between Auburn and Port Byron, and the Syracuse, Lake

Shore and Northern road between Syracuse and Long Branch, are equipped with semaphores and oil light signals, with lap block sections automatically operated by track circuits. This system is the most expensive to install and maintain and is unquestionably more reliable in operation than any at present in use on interurban roads in this District.

With the exception of the track circuit system, there are serious defects in all of the above mentioned systems, and collisions have occurred on roads equipped with them. While neither approving nor condemning at present any of the systems in use, the Commission believes they should be used on interurban roads only for spacing cars moving in the same direction, or supplementing a proper method of train despatching on single track.

Grade Crossings of Highways: The construction of improved highways and the large increase in the number of automobiles have increased the danger in operation of high speed interurban cars over highway crossings at grade.

The number of accidents which have occurred at these crossings, resulting in death and injury, require that additional precautions should be taken by companies in the operation of electric cars to prevent accidents at these points. Some of the companies have equipped all of the important highway grade crossings with a cluster of lights which are burned during hours of darkness. Several are experimenting in the use of bells at these points. At some of the more dangerous the Commission has directed that all cars in each direction come to a full stop before going over the crossings. This latter is the safest method of operation, but to adopt it at each crossing would restrict the running time of cars so as to interfere seriously with the convenience of passengers on these roads.

Special attention has been given to the maintenance of the roadways across electric tracks, and a large number of these crossings are properly equipped with planking, with filling between, and some with rail laid on its side to form a flange-way. The majority of the roads have adopted a standard cattle-guard and wing-fence, and the greater portion of the crossings are equipped in this manner.

Rail-braces and Tie-plates: The increased weight of cars and the speed at which they are run on interurban railroads necessi-

tates careful maintenance of track, especially on curves. Serious accidents which have occurred in the past on steam railroads have resulted in the adoption of tie-plates on curvature. Nearly all of the companies operating interurban roads are using some rail-braces on curves. One of the interurban roads in this Public Service District has adopted the use of tie-plates instead of rail-braces for that purpose. Steam railroad experience has proven that the tie-plate is preferable to the rail-brace.

LOCOMOTIVE BOILER INSPECTION

In our last annual report a full description was given of the system of boiler inspection inaugurated by the Commission to conform to the requirements of chapter 208 of the laws of 1907, and the duties of the Commission as prescribed by that statute were fully outlined and need not be repeated.

The work of this department has been successfully carried on under the direction of the State Boiler Inspector during the past year without material change in this system.

The following are the principal statistics submitted in the report of the State Boiler Inspector:

1. Number of companies reporting inspections	99
2. Number of locomotives certified for use in the State	7,489
3. Number of such locomotives actually in service, December 1, 1909.	6,478
4. Number of such locomotives temporarily out of service, December 1, 1909	1,011
5. Inspectors employed by railroad companies to inspect boilers (not including clerical help), about	550
6. Number of locomotives condemned or sold January 1, 1909, to December 1, 1909 (many locomotives reported temporarily out of service by company are undoubtedly out of service permanently)	245
7. Number of certificates of inspection filed January 1, 1909, to December 31, 1909, about	30,000
8. Number of specification cards filed January 1, 1909, to December 31, 1909	1,610
9. Number of specification cards filed September 1, 1907, to December 31, 1909	7,724
10. Number of specification cards due	10
11. Number of visits of inspectors to shops and offices January 1, 1909, to December 31, 1909	283
12. Number of times boiler washouts were overdue, January 1, 1909, to December 31, 1909	187
13. Number of days boiler washouts were overdue, January 1, 1909, to December 31, 1909	2,907

The following record, showing the number of locomotives reported by each railroad in this State, indicates the relative importance of the roads to the State so far as this part of the Commission's work goes. The table includes not only the locomotives constantly used in the State, but many which are used only occasionally and which are therefore reported under the boiler inspection law:

Railroads and other companies operating five or more locomotives in the State, as reported to the Commission December 1, 1909:

Name of road.	Total boilers reported to this Commission.	Number of boilers in active service.	Number of boilers temporarily out of service.	Total number locomotives owned, used in this and other States.
New York Central Lines: New York Central, Rutland, Michigan Central, Boston & Albany, Lake Shore & Michigan Southern	2,702	2,410	292	3,837
Erie	1,082	965	117	1,419
Delaware, Lackawanna & Western	597	553	44	770
Delaware & Hudson	459	423	36	471
Lehigh Valley	428	283	145	873
New York, New Haven & Hartford	334	274	60	1,226
Pennsylvania and Northern Central	309	267	42	4,094
Buffalo, Rochester & Pittsburgh	260	232	28	300
Long Island	185	173	12	185
New York, Ontario & Western	182	168	14	184
Boston & Maine	176	129	47	1,093
Grand Trunk	142	75	67	1,190
Buffalo & Susquehanna	78	74	4	78
New York, Chicago & St. Louis	66	57	9	230
Central New England	58	49	9	60
Wabash	50	29	21	657
Lehigh & Hudson River	47	39	8	47
Pittsburg, Shawmut & Northern	36	35	1	40
South Buffalo	33	30	3	33
Ulster & Delaware	31	30	1	31
Pere Marquette	24	11	13	451
Central Vermont	18	6	12	102
Hawkeye Construction Company	13	12	1	13
Buffalo Creek	12	11	1	12
Lehigh & New England	10	7	3	25
Toronto, Hamilton & Buffalo	10	5	5	21
Quebec, Montreal & Southern	7	6	1	17
Fonda, Johnstown & Gloversville	7	6	1	7
Greenwich & Johnsonville	7	6	1	7
Lake Champlain & Moriah	7	6	1	7
American Locomotive Company	6	6	0	6
Delaware & Eastern	5	5	0	5
Jamestown, Chautauqua & Lake Erie	5	5	0	5
New York & Pennsylvania	5	5	0	5
Solvay Process Company	5	4	1	5

As the total number of locomotive boilers in use in the United States is about 57,000, it will be noted that about one-eighth of the total come under the supervision of this Commission in the performance of its duties in the administration of the boiler inspection law.

As there are but two experts employed in this department of the Commission's work, the State Boiler Inspector and his assistant, it is impossible to exercise more than a general supervision over the inspection of this number of locomotive boilers, and the work of the department has therefore been confined mainly to the checking of the reports and specification cards received from the railroads, and in exercising a general supervision over the inspectors who are designated by the railroad companies for this work. It is entirely impossible for the inspectors of the Commission to make detailed examinations of any considerable number of locomotive boilers, and this is only done in special cases to check the work of railroad inspectors whose reports are doubtful.

Two hundred and eighty-three inspection trips have been made to points where boilers are inspected and where repairs are made by the railroad companies. On these trips a general examination has been made of about 2350 locomotives. The principal results of the inspection trips are as follows:

Number boilers reported for service December 1, 1909	7,604
Number boilers inspected by state inspector	2,350
Number trips of inspection	283
Number places where inspections are made	295
Number boiler defects reported	1,147
Number defective water glasses reported	51
Number defective gauge cocks reported	56
Number defective steam gauges reported	17
Number broken staybolts reported	977
Number broken staybolts found with tell-tale holes plugged	138
Number boilers found with tell-tale holes in staybolts filled with paint	46
Number boilers found with either no certificate or certificate improperly posted in cab	27
Number boilers found with serious leaks	26
Number boilers found with cracks in barrel	4

A number of cases of corrosion have been noted which were principally confined to the firebox and flues and were therefore not especially dangerous. In one case, however, the plate was found corroded the entire length of the barrel of the boiler and for 15 inches on each side of the center. The plate was originally ½ inch in thickness and had been corroded until the thickness had been reduced to 3/16 of an inch.

Other defects which have been noted are as follows:

Several cases have been found of broken longitudinal stays and crown-bar braces, and in one boiler a majority of the brace pins were found to be bent and the brace jaws spread. One boiler had a crack in the barrel 4 inches long which had been repaired by plugging with small plugs instead of patching properly. A serious leak developed at this point and the boiler was ordered out of service in consequence. One boiler was found with a crack 21 inches long in the barrel; and another with a crack about 3 feet long in the lap seam.

The practice of investigating all important accidents to locomotive boilers has been continued. The following record is given of all accidents reported for 1909, together with the record of 1908 for comparison:

Summary of accidents investigated:

Number of accidents.		Cause of accident.	Number persons killed.		Number persons injured.	
1908	1909		1908	1909	1908	1909
1	0	Pocket flue blew out	0	0	1	0
1	0	Arch tube burst	0	0	1	0
4	0	Plugs and studs blew out; nuts stripped	0	0	4	0
1	0	Burst flue	0	0	1	0
1	1	Flue pulled out	1	0	1	1
11	4	Low water	8	6	14	6
0	1	Broken staybolts	0	0	0	1

Summary of accidents which have not been investigated:

No. of accidents.		Cause given by company.	Injured.	
1908	1909		1908	1909
1	5	Water glass burst	1	5
2	1	Stud blown out and nuts stripped	2	1
2	0	Flue burst	2	0
1	0	Low water	1	0

	1908	1909
Total number of accidents	25	12
Total number of persons killed	9	6
Total number of persons injured	28	14
Total number of locomotives in service	7,466	7,604

	1908	1909
Ratio of accidents to locomotives in service	1 to 299	1 to 624
Ratio of persons killed to locomotives in service	1 to 829	1 to 1,267
Ratio of persons injured to locomotives in service	1 to 266	1 to 543

The above record shows a decided decrease in boiler accidents for the year 1909 as compared with the previous year, especially in accidents due to low water. It is believed that the reduction in low water accidents has been due to a considerable extent to the improvement in the inspection of water glasses, gauge cocks, and injectors.

As stated in the last annual report, a specification card is required for each boiler used in this State. This card gives the principal dimensions of the boiler and the essential data necessary for determining the factor of safety; 7724 of these cards have been received and all have been checked. In the last annual report a summary was given of the results of tabulation of these cards for 6114 boilers which had then been examined. Some changes in the system of classification then proposed have been suggested, and the 7724 boiler records now on file have been reclassified according to the following proposed standards:

Proposed Factors of Safety:

1. Boilers with butt seams, under 30 years..... factor 4
2. Boilers with lap and cover seams, under 20 years..... factor 4
3. Boilers with lap and cover seams, 20 to 30 years..... factor 4¼
4. Boilers under 20 years old with plain lap seams..... factor 4¼
5. Boilers with plain lap seams, 20 to 30 years..... factor 4½
6. Boilers 30 to 40 years old..... factor 5
7. Boilers over 40 years old.....to be condemned.

The following are the principal results of this classification:

Number of Boilers which do not Meet the Proposed Standard:

Number of boilers, butt seams under 30 years, factor less than 4.....	60
Number of boilers, lap and cover seams under 20 years, factor less than 4	54
Number of boilers, lap and cover seams 20 to 30 years, factor less than 4¼	47
Number of boilers, lap seams under 20 years, factor less than 4¼....	175
Number of boilers, lap seams 20 to 30 years, factor less than 4½....	108
Number of boilers, any seams 30 to 40 years, factor less than 5.....	13
Number of boilers over 40 years.....	2
Number of boilers of unknown age.....	6
Total.....	465

Reduction of Pressure Necessary to Comply with Proposed Standard:

Number of boilers to have pressure reduced 5 lbs.....	39
Number of boilers to have pressure reduced 10 lbs.....	95
Number of boilers to have pressure reduced 15 lbs.....	140

Number of boilers to have pressure reduced 20 lbs	71
Number of boilers to have pressure reduced 25 lbs	32
Number of boilers to have pressure reduced over 25 lbs	80
Total	457

The proposed standards above given have been submitted to all companies and their full criticism requested. Replies from all have been received. The suggestions meet with the approval of the majority of the roads, and while they are criticised by others, it appears probable that no standards could be fixed which would not meet with fully as much opposition. In the matter of lap seam boilers for instance, one large road states that no additional factor of safety is required beyond that necessary for boilers with modern seams; and another equally prominent road states that lap seams should be prohibited by law.

Most of the companies have agreed to comply with the suggestions of the Commission, and to condemn or strengthen doubtful boilers or to reduce pressures, and it appears probable that this entire subject can be settled to the satisfaction of the Commission without the necessity of formal hearings or the issuing of orders. The company which happens to have the largest proportion of locomotives which will be affected by the proposed standards, and which will therefore be subjected to the greatest expense for any changes which may be decided upon, writes:

> The minimum factors of safety as indicated by you seem to be reasonable, and there is no engineering data or authority that will justify any recommendation for a lower factor than that suggested by the Commission.

Railroad officers are keenly interested in all measures calculated to increase the safety of locomotive boilers, and there has been but little difficulty in securing their full coöperation in this work.

The number of boilers having low factors of safety is being rapidly reduced, largely at the initiative of the companies themselves. This is shown by the fact that on January 1, 1909, the records of the Commission showed that 963 boilers had a factor of safety of less than 4, while on December 1, 1909, the records show only 369 boilers with low factors of safety, or a reduction in doubtful boilers of 62 per cent in eleven months.

Much attention has been given to the question of design of boiler bracing, both by the Commission's inspectors and by the mechanical engineers of the railroad companies. As a result,

some of the boilers having high stress in braces have been condemned, and many have had the braces reinforced.

The Chief Boiler Inspector reports, that while the systems of inspection of boilers used by railroad companies are in general reasonably satisfactory, he believes that considerable improvement would be made if all companies would adopt the practice in use by some of the roads of placing all of the subordinate boiler inspectors under a chief inspector and confining the work of the subordinate inspectors, where the volume of business will permit, entirely to inspection.

Increased attention by the railroad companies has also been advised in the training of their boiler inspectors to detect broken staybolts. It has been found that many of the railroad inspectors are not as well qualified as they should be to make satisfactory staybolt tests, and competitive trials of inspectors under the supervision of experts have therefore been recommended.

The experience of the last two years has, we think, demonstrated the value of this part of the Commission's work, and has proved, we believe, that the systematic checking of the railroad companies' inspectors and inspection systems will, if properly carried out, give satisfactory results. The appointment by the government of detailed boiler inspectors to duplicate or supersede the inspection work now carried on by the railroads would have the disadvantage of relieving the railroad companies of at least a portion of the responsibility which properly belongs to them, and in addition would be vastly more expensive than the present system.

GRADE CROSSING ELIMINATION

In 1909 the Commission has made several determinations in matters involving the elimination of highway grade crossings of steam railroads under section 62 of the Railroad Law. Two of these were modifications of orders previously made. These proceedings are as follows:

1. Application of the Town Board of the Town of Stafford, Genesee county, for the elimination of the State Road and Horseshoe Lake Road grade crossings of the New York Central and Hudson River railroad.

2. Application of the Mayor and Common Council of the City

of Utica for the elimination of the North Genesee Street and Park Avenue grade crossings of the New York Central and Hudson River railroad.

3. Application of The New York Central and Hudson River Railroad Company for the closing and discontinuing of the Main Street, Quimby Street, and other grade crossings of its railroad in the village of Ossining.

4. Application of The New York Central and Hudson River Railroad Company for the elimination of the Tibbets Avenue, Railroad Avenue, and Hamilton Avenue grade crossings of its railroad in the village of White Plains.

5. Application of The New York Central and Hudson River Railroad Company and the city of Auburn in the matter of the elimination of the Van Anden Street grade crossing of the New York Central and Hudson River railroad (supplemental determination).

6. Application of The New York Central and Hudson River Railroad Company for the elimination of the Washington Avenue and Dock Street grade crossings of its railroad in the village of Hastings.

7. Application of the New York, Ontario and Western Railway Company for closing and discontinuing the East Fourth and Schuyler Streets grade crossings of its railroad and of the New York Central and Hudson River railroad in the city of Oswego (supplemental determination).

The elimination of grade crossings at the following locations has been completed during the year:

Railroad.	Municipality.	Name of street.
Erie R. R.	City of Hornell	Canisteo street.
D. & H. Co.'s R. R.	Town of Bethlehem	Rockefeller road.
N. Y. C. & H. R. R. R.	City of Auburn	Van Anden street.
N. Y., O. & W. Ry. and N. Y. C. & H. R. R. R.	City of Oswego	East Fourth and Schuyler streets.
New York, Chicago & St. Louis R. R.	Village of Westfield	North Portage street.
Long Island R. R.	Town of Huntington	New York avenue and Long Swamp road.
L. S. & M. S. Ry.	Town of Hamburg	Big Tree road.
Long Island R. R.	Town of Babylon	Broad Hollow road.
Boston & Maine R. R.	City of Troy	Tarbell's crossing.

The following is a table showing the status in percentages of work completed of the various grade crossing cases authorized and for which bills have not been rendered. The table shows the distribution of these crossings by municipalities, the railroads, and the character of the new crossings proposed. Some of this work has been completed as shown by list above given.

Railroad involved.	Municipality.	Name of streets or highways.	Character of new crossing.	Approximate per cent completed.
Erie	City of Niagara Falls.	Pine street	Over	100
Erie	City of Hornell	Canisteo street	Under	99.9
N. Y., O. & W	Town of Rockland		Under	0
N.Y.C. & H.R.R.R.	City of Auburn	Van Anden street	Crossing closed	99
D. & H. Co	Town of Bethlehem	Rockefeller road	Over	100
	City of Oswego	E. Fourth and Schuyler streets.	Under	100
N.Y.C. & H.R.R.R.	City of Yonkers		Under	20
N.Y.C. & H.R.R.R.	City of Mt. Vernon	3 crossings	Over 1, under 2	14
N.Y.C. & H.R.R.R.	Village of Tuckahoe	Main street	Over	23
N. Y., C. & St. L.	Village of Westfield	N. Portage street	Over	100
N. Y., O. & W	Town of Cornwall	Willow avenue	Under	50
Long Island	Town of Oyster Bay	Glen Cove back road	Under	100
N.Y.C. & H.R.R.R.	City of Rochester	Culver road	Under	100
Long Island	Town of Hempstead	Old Westbury road	Under	0
Long Island	Town of Huntington	Long Swamp road	Divert to N. Y. avenue	100
Long Island	Town of Huntington	New York avenue	Under	100
Long Island	Town of Southampton	Cherry Tree road	Under	100
Long Island	Town of Southampton	St. Andrews road	Under	100
Erie	Town of Chemung	Holberts	Under	100
N.Y.C. & H.R.R.R.	City of Utica	N. Genesee street	Over	0
Lake Shore	Town of Hamburg	Big Tree highway	Under	100
N.Y.C. & H.R.R.R.	Village of Ossining	Main and Quimby streets	Over	0
N.Y.C. & H.R.R.R.	Village of White Plains	3 crossings	Under	0
N.Y.C. & H.R.R.R.	Town of Stafford	State and Horseshoe Lake roads.	Over	0
Long Island	Town of Babylon	Broad Hollow road	Under	100
N.Y.C. & H.R.R.R.	Village of Hastings	Washington avenue and Dock street	Over	0

Payments on Account of Grade Crossing Eliminations: The following is a summary statement of the amounts paid by the State on account of grade crossing eliminations under section 62 of the Railroad Law. That section became effective July 1, 1897. The period covered by these payments is twelve years and six months.

Payments by the State during year 1909	$475,565 90
Total payments by the State since enactment of law	906,770 89
State's part of estimated cost of elimination work approved but for which no bills have been rendered	59,222 37
State's part of estimated cost of elimination work authorized but not completed	651,613 66

Payments yet to be made by State as estimated for work authorized, being total of last two items		$710,836 03
Total paid by State	$906,770 89	
Total yet to pay (estimated)	710,836 03	
Total paid and to be paid by the State		$1,617,606 92

The State pays one-fourth of the cost of elimination under section 62, the municipality in which the crossing is situate one-fourth, and the railroad corporation affected one-half. The amounts paid and to be paid by each of the contributing parties is therefore as follows for all work authorized under section 62:

By the State, heretofore paid	$906,770 89	
To be paid (estimated)	710,836 03	
		$1,617,606 92
By municipalities, heretofore paid	$906,770 89	
To be paid (estimated)	710,836 03	
		1,617,606 92
By railroad corporations		3,235,213 84
Total		$6,470,427 68

There are pending at present before the Commission 68 applications under section 62 of the Railroad Law for the separation of grades at crossings. The Legislature of 1909 having made no appropriation to carry on this work, all the funds heretofore appropriated for such purposes, except a small margin necessary to meet excess of cost over estimates, have been set aside to be applied on work now authorized.

Section 65 of the Railroad Law as amended by chapter 153, laws of 1909, permits the elimination of grade crossings of state or county highways, the State's portion of the expense to be paid out of funds controlled by the Highway Commission; but the Public Service Commission, under the statute, is to determine whether or not public safety requires the elimination of such crossing and is to prescribe the manner and method of doing the work if authorized.

The total number of crossings eliminated in the State during the year was 7. The total number eliminated since the grade crossing law became operative is 233; the number that will be eliminated by work now in progress or authorized is 23; making a total when the work now authorized is completed of 256 grade crossings abolished.

The lack of appropriation to carry on this work has not only seriously interfered with the State's policy to insure public safety at crossings, but also has undoubtedly acted to prevent both railroads and municipalities from presenting further petitions for grade crossing elimination. It is on account of this lack of funds that the Commission has been unable to make orders for grade separations at Bronxville, Scarsdale, Irvington, Tarrytown, and Hartsdale, within the electric zone of the New York Central and Hudson River railroad, where conditions due to rapid suburban development and large growth of traffic on the streets and highways, together with the high speed and great number of trains on the railroads, render travel over grade crossings within this zone especially perilous. For this reason also the Commission has been unable to make determinations in any of 65 applications covering the elimination of grade crossings widely distributed both geographically and among different railroads, although frequently urged to action by petitioners in order that the desired relief might be obtained.

Determinations in the following cases under section 68 of the Railroad Law have been made by the Commission during the year:

New York and North Shore Traction Company: Application for a determination as to whether its single-track road shall cross the Long Island railroad above, below, or at grade at Mineola, and for a determination fixing the proportion of expense of said crossing to be paid by each railroad.

Rochester, Syracuse and Eastern Railroad Company: Petition for an order determining the manner in which its electric railroad shall cross the New York Central and Hudson River railroad, the West Shore railroad, lessor, and the Oswego and Syracuse railroad (leased to and operated by The Delaware, Lackawanna and Western Railroad Company), the crossings being four in number, and as to proportion of expense of such crossings to be paid by each railroad.

New York, Auburn and Lansing Railroad Company: Application as to a crossing with the Lehigh Valley railroad in Railroad avenue, Ithaca.

Plans for interlocking at railroad crossings have been approved as follows:

New York Central and Hudson River railroad and New York, Ontario and Western railway, at Central Square.

New York Central and Hudson River railroad and Lehigh Valley railroad, at Sterling.

West Shore railroad and Delaware, Lackawanna and Western railroad, at New York Mills.

Erie railroad and New York, Ontario and Western railway, at Campbell Hall.

INSPECTION OF RAILROAD EQUIPMENT

Reference was made in the last annual report to the work of the Supervisor of Equipment in the inspection of locomotives and passenger cars. This work has been continued during the past year. As a large amount of the time of the Supervisor of Equipment has necessarily been occupied with the investigation of matters arising in the Adirondack Forest Fire proceeding, it has been impracticable to make as careful an inspection of the general equipment of the State as was done last year.

About six thousand locomotives are regularly assigned to service in the State, and in addition there are about 25 per cent, or 1500, which are occasionally used, and over which this Commission has therefore partial jurisdiction. It is clearly impossible for one man to make any thorough inspection of such an immense amount of equipment, and attention has therefore been confined to railroads which were not inspected last year, or to which the attention of the Commission has been directed by complaint or otherwise.

General inspection of 470 locomotives on 21 railroads, 30 passenger cars on 12 railroads, and 45 accident investigations have been made, besides the work which has been done in the investigations of accidents by correspondence. This department has also devoted a great deal of attention to the engine failure and train movement reports.

One hundred and sixty-four locomotive terminals are located in this State at which repairs are made to locomotives, and about one-third of the time of the Supervisor of Equipment has been occupied in making an inspection of these terminals and of the locomotives located at them.

If the entire time of the Supervisor of Equipment could have been devoted to this work, it would have been possible to visit and inspect all of the locomotive terminals and to make general inspection of about 50 per cent of the locomotives in the State.

Special attention has been given to the inspection of equipment of the smaller railroads, as these roads do not as a rule have efficient repair staffs or facilities, and therefore require more frequent inspection than is necessary on the larger railroads where efficient supervision is generally given by the railroads' mechanical officers. The inspection of equipment on these smaller roads showed serious defects in some cases in the safety appliances, air brakes, and tender wheels, and recommendations were made covering proper repairs and renewals and methods of inspection, and these recommendations have been complied with.

Attention has also been given to the inspection of passenger cars on 12 of the smaller railroads, and a number of serious defects have been noted in the air brakes and safety appliances, in the method of fastening and guarding stoves, care of oil lamps, care of drinking water tanks, lavatories, and general sanitary conditions. The examination has indicated the advisability of making regular inspections of safety appliances, etc., of the passenger cars on the smaller roads. On the larger roads this is unnecessary, except when complaints are received, as in general good care is given to the air brakes and safety appliances, all cars are heated with steam and lighted with gas or electricity, and a reasonable amount of attention appears to be given to cleaning and sanitary conditions.

The report of the Supervisor of Equipment shows that in the early part of the past year the effort to reduce expenses on most of the roads of the State resulted in a rigid reduction of force and the number of hours worked in the general repair shops and engine houses, and on many roads the repair forces were worked less than 65 per cent of full time. It appears clear that in many cases expenses were reduced below the proper maintenance requirements, and that risk was thereby incurred of an increase in train delays and of unsatisfactory freight service. During the last few months, however, there has been a gradual increase in the working hours and in the number of men employed, and the

efficiency of the shops and engine houses has therefore rapidly improved.

Direct investigation has been made by the Supervisor of Equipment of 45 accidents, and investigation by correspondence of 40 accidents. The following are the causes of the accidents investigated:

Air brakes	3
Ash-pans dropping to track	1
Axles broken	11
Arch bars broken	3
Brake beams and rigging broken	9
Collisions	4
Column bolts broken	1
Derailment (tank creeping)	1
Draft rigging	1
Grate levers	1
Reckless running	1
Rods broken (locomotive)	3
Rail broken	1
Tank frames broken	2
Tires loose	7
Wheels, failures	28
Wheels, loose on axle	3
Wheels, worn flanges	5
Total	85

The failures of castiron truck wheels caused 28 accidents, or 33 per cent of all the equipment failures investigated. These wheels were in many instances apparently perfect, there being no surface indication of any defect. The failure of castiron wheels is receiving the attention of the leading wheel manufacturers and of the Master Car Builders Association, and the importance of the question appears to be fully realized. It is evident from the above percentage of accidents caused by defective wheels that radical improvements are needed either in design or material, and a decided increase in the use of steel tired or rolled steel wheels for heavy freight equipment is apparently the direction in which improvement is to be expected.

Passenger Train Delay Reports: The system of reporting passenger train delays, inaugurated by the Commission in the month of April, 1908, has been maintained. Reports from all the important railroads have been published in the form of a Train

Delay Bulletin each month for the past eighteen months. Analysis of these reports for the last twelve months shows that the principal causes of delay are as follows:

Engine failures	7.8%
Wrecks	6.5%
Unfavorable track conditions	2.8%
Train work at stations	16.4%
Waiting for other divisions	27.6%
Waiting for other railroads	13.2%

Experience has shown that the present train delay report may be modified so as to make it more useful and reliable, and valuable suggestions to this end have been made by various railroad officials. A revised form of report is therefore being prepared, and the principal changes as compared with the present form are indicated as follows: First, a column to be added showing when trains make running time or better over a division, even though they may arrive at the division terminal late; this will give the division officers proper credit for their efforts, regardless of the late arrival of trains from connecting lines or divisions. Second, it is proposed to add a column showing the dates on which the train is late, and thus enable a check to be made at once when a complaint is received regarding a particular delay without the necessity of referring to correspondence.

Experience has shown that the train movement reports received from the railroads should be more thoroughly analyzed than has been possible in the past. The prompt movement of passenger trains is of vital importance to the people of the State, and as the reports now on file enable a satisfactory comparison to be made with the corresponding months and seasons of last year, data is afforded by which the service of any railroad or division of a road can be checked and inquiry made as to failures to give reasonably adequate service. Some additional force could be used with profit on this work.

Average Age of Locomotives, as Indicated by Boiler Inspection Records: The specification cards which are filed for locomotive boilers give the data needed to make a fair estimate of the average age of locomotives which are used either constantly or occasionally in this State, and which therefore come under the jurisdiction of this Commission. The total number of locomotives so

used is 7604, and the average age of these locomotives as shown by the following table is a little under nine years.

The table gives the number of locomotives and average age, of all roads which report fifty or more locomotives. The figures of course show only the average age of locomotives used in this State, and in some cases do not give a correct indication of the average age of the locomotives owned by the entire line. For instance, the Grand Trunk, which reports 142 locomotives of an average age of over fifteen years, operates only an unimportant line in this State, upon which locomotives of the older type are used almost exclusively. The system as a whole would no doubt show a very much better comparison with the other roads reported.

Average age of locomotive boilers in service January 1, 1910, on railroads having fifty or more locomotives:

Road.	Number of locomotives in service.	Average age.
Boston & Maine	187	7.0
Buffalo, Rochester & Pittsburgh	257	8.6
Buffalo & Susquehanna	76	6.2
Central New England	59	10.4
Delaware & Hudson	466	9.0
Delaware, Lackawanna & Western	580	9.2
Erie	1120	12.5
Grand Trunk	142	15.1
Lehigh Valley	345	12.2
Long Island	187	10.7
New York Central Lines	2845	7.8
New York, Chicago & St. Louis	68	6.6
New York, New Haven & Hartford	336	8.3
New York, Ontario & Western	178	10.1
Pennsylvania	333	7.8
Wabash	51	12.9
Above Roads	7230	8.84

Average age of locomotive boilers in service January 1, 1910, on railroads and manufacturing companies having less than fifty locomotives:

	Locomotives.	Average age.
67 railroads and companies	375	10.5
All railroads in State	7604	8.94

The boiler inspection records show the following distribution of locomotives, according to age, on January 1, 1910:

Number under 10 years of age	4783
Number 10 years and under 20	2040
Number 20 years and under 30	715
Number 30 years and under 40	58
Number 40 years and over	8
	7604

The number of new locomotives put in service on New York state lines in the year 1909 and used either constantly or occasionally in the State, as indicated by the boiler inspection records, is as follows:

Adirondack & St. Lawrence	1
Boston & Maine	20
Buffalo, Rochester & Pittsburgh	14
Catskill Mountain	1
Central New England	3
Delaware, Lackawanna & Western	41
Glenfield & Western	1
Johnston Harvester Co	1
Lehigh & Hudson River	1
Lehigh Valley	4
New York Central Lines	34
New York, Chicago & St. Louis	5
New York, Ontario & Western	6
Solvay Process Co	1
Tonawanda Iron & Steel Co	1
Total number of new locomotives installed by railroad companies or by manufacturing plants and used occasionally on railroad companies' tracks during the year 1909	134

This may be compared with similar totals for previous years, as follows:

Year 1909	134
Year 1908	417
Year 1907	791
Year 1906	722
Year 1905	772
Year 1904	533
Year 1903	504
Year 1902	525
Year 1901	385
Year 1900	427

Engine Failure Reports: The first report of engine failures was filed with this Commission for the month of January, 1908, and reports have been received from all important railroads for 22 months. The analyses of these reports for the past year show the following principal causes of engine failures:

Low steam, 13.5 per cent;

Leaking steam connections, 29.1 per cent;

Broken machinery, 22.5 per cent.

The present form of report is satisfactory and requires but little, if any, revision. Strenuous effort has been made during the past year by railway mechanical officers to eliminate a large part of the engine failures, and this effort has been made in many cases under adverse conditions because of the rigid economy which has been forced by reduced earnings. The making of compulsory reports causes the operating officers to keep the subject of engine failures prominently in mind. The report gives the essential information in a concise form, and gives an opportunity for comparison with previous periods and thus idicates where improvements may be looked for.

The analysis of engine failures and the inspection of locomotive equipment are closely allied and are subjects which require detailed attention to secure the best results. The present staff of the Commission is inadequate for this purpose and should be materially increased.

Broken Rails: As stated in the last annual report, the subject of broken rails has received the attention of the Commission, and reports have been received from all railroad corporations operating in the State, in accordance with the terms of the following order of January 6, 1909:

Whereas, The reports of broken rails received and tabulated by the Board of Railroad Commissioners, and the accident reports made to this Commission, have shown that the breakage of rails is one of the principal sources of danger in railway operation; and

Whereas, The reports of broken rails made to the Board of Railroad Commissioners indicate the necessity of improvement in the quality of rails recently manufactured;

It is Ordered: That all steam railroad corporations within the jurisdiction of this Commission are hereby required to report on or before March 1, 1909, the following information regarding rails broken in service on their lines in New York state, including the electrically operated portions of such lines:

1. Number of rails broken in service on each division of main line and on each branch line during the four months of December, 1907, January, February, and March, 1908, showing in the reports separately for four-track railroads the rails broken in passenger and freight tracks.

2. Said reports of broken rails for each division and for each month to be classified as follows, giving the number of rails broken under each head: (a) Weight per yard; (b) year rolled; (c) name of maker; (d) method of manufacture, whether by the Bessemer or Open Hearth process.

It is further Ordered: That reports be made covering the following information for rails ordered for New York state lines since July 1, 1907:

1. What changes, if any, have you made in rail specifications and sections since June 1, 1907? Where practicable, forward copy of your rail specifications in force prior to June 1, 1907, and specifications adopted since that date.

2. How many tons of rail for main line use in New York state have been ordered since June 1, 1907?

3. What proportion of rails covered by said orders have been made in accordance with later specifications referred to in paragraph 1?

4. What, if any, further changes in specifications or sections do you expect to make in connection with rail orders for 1909 delivery?

5. Have you adopted an electric track circuit or any other precaution to prevent accidents from rail breakages, and if so, state to what extent such precautions are being used on your lines? Is the electric track circuit where used relied upon to reveal broken rails, and have any cases been reported on your lines in which broken rails have been detected by the interruption of the track circuit?

This data was compiled by the former Board of Railroad Commissioners for the months of January, February, and March, of the years 1905, 1906, and 1907. The information for these three months for 1908 and 1909 has been received by this Commission, thus enabling a statement to be made for the five years, as shown in the following table:

Number of rails broken during the months of January, February, and March for each of five years:

1905	1331
1906	826
1907	3014
1908	3408
1909	1280

Monthly reports of all rail breakages are now being received and show the following record for part of 1909:

Month.	Broken rails reported.
January	530
February	342
March	408

Month.	Broken rails reported.
April	250
May	209
June	148
July	93
August	130
September	205
October	260
Total for ten months	2575

No comments are needed to emphasize the importance of these figures. The accident to a passenger train on October 17th last at Rhinecliff, on the Hudson division of the New York Central, which was clearly caused by a broken rail, calls attention again to this source of danger. The reports of broken rails will be continued, and special attention will be given to rail orders which show more than the average number of failures in proportion to the tonnage rolled. It is not expected that the Commission can make any suggestions for improvements in rail manufacture. The business is highly technical, and improvements can only be made by experts in that line. Reports of rail breakages will, however, indicate whether satisfactory improvements are being made, and may direct inquiry to cases where the railroads have failed to order the best quality of rails or where the steel companies have neglected to supply the best product in their power.

ADIRONDACK FOREST FIRE INVESTIGATION

The Forest, Fish, and Game Commissioner made complaint to this Commission in the latter part of 1908, pursuant to the following provisions of section 72 of chapter 130 of the laws of 1908, regarding the forest fires then raging in the Adirondack region:

> The public service commission must upon the request of the forest, fish and game commissioner, and on notice to the railroad company or companies affected, require any railroad company having a railroad running through forest lands in counties containing parts of the forest preserve, to adopt such devices and precautions against setting fires upon its line in such forest lands as the public interest requires.

An investigation covering several months was thereupon started, and hearings were held at various points in the Adirondacks and at Albany.

It was decided, in conference with the Forest, Fish, and Game Commissioner, that the proceedings should be limited for the time being to fire conditions in the Adirondack Forest Preserve, leaving the subject of fires in the Catskills to be considered later, if necessary. The proceeding was therefore limited to the following companies:

Mohawk and Malone, Utica to Malone, 167 miles.
Carthage and Adirondack, Carthage to Newton Falls, 46 miles.
New York and Ottawa, Tupper Lake to Moira, 54 miles.
Delaware and Hudson, Plattsburgh to Lake Placid, 83 miles.
Cranberry Lake, Benson Mines to Wanakena, 6 miles.

Inquiries were instituted to show what devices and precautions were being used on these railroads against setting fires upon their lines in forest lands, and they were ordered to show cause why they should not be required to use some fuel upon their locomotives which would not give out sparks and set fires, or why their motive power should not be changed to electricity.

The hearings in this proceeding extended through several months, and all practical plans of fire prevention were considered. The cost of electrification was found to be entirely prohibitive, as it would involve an additional expense of over one million dollars a year for the New York Central lines alone, over the cost of operating steam locomotives, even if water power could be obtained to generate the amount of electricity which would be required.

The remedies proposed by the railroad companies provided for improvements in the present steam locomotives, cleaning the right of way of combustible matter, patrolling, the use of a special telephone system, and for fire trains. The Commission, however, found that the railroad companies would be seriously handicapped in carrying out their proposed remedies by the provisions of the existing Forest, Fish, and Game Law, which would prevent them from burning over the right of way during the spring and fall, when such burning is most needed to remove the combustible matter. It was also shown in the testimony that the provision of the section of the State Constitution requiring the Forest Preserve to be kept forever in a wild state is, as interpreted, a serious source of danger, from the fact that it prevents the removal of "fire-

slash" which accumulates in the path of forest fires. The result is that the lines of railroad through the Adirondacks, especially along the Mohawk and Malone, are lined with combustible matter: dead trees and debris from forest fires, and with the slash left from lumbering operations.

These conditions, for which the railroads are not responsible, greatly increase the risk from coal burning locomotives in this region.

The railroad companies failed to prove to the satisfaction of the Commission that their locomotives, as they proposed to equip and maintain them, will be sufficiently free from the danger of throwing sparks and dropping fires from the ash-pans to warrant the continuance of coal burning during the dry months. The evidence, however, showed that coal burning locomotives, properly equipped, can be safely used at night, and the order provided accordingly.

It was found that 168 gallons of fuel oil are equivalent to one ton of bituminous coal, and that on this basis the extra cost of oil burning over the remedies proposed by the railroad companies will be about $50,000 per year.

The Commission found that, although very serious fire damage from railroads was proved, the popular impression of the proportion of the fires caused by the railroads was much exaggerated. It is clear that at least 60 per cent of the fire damage in the Adirondack region is attributable to other sources, and that the charges of 75 to 90 per cent due to the railroads are entirely unsupported by the evidence. The report made by the chief fire warden of areas burned over in 1908 shows over 50,000 acres of timber land destroyed by fires set by hunters, 16,000 acres destroyed by incendiary fires, and 42,000 acres by unknown causes, as compared with 59,000 acres stated to be destroyed by railroad fires. It is thus clear that stopping the railroad fires is only a substantial beginning in the elimination of the total fire damage in the Forest Preserve, and that radical measures will be needed on the part of the state authorities to supplement the precautions and expense imposed upon the railroads, if the Adirondack Forests are to be preserved.

The full text of the resolution adopted by the Commission in this matter is as follows:

Whereas, In the matter of the proceeding of the Forest, Fish, and Game Commissioner under section 72 of chapter 130 of the laws of 1908, to compel a change of fuel in the Adirondack Forest Preserve, the following matters have been proved to the satisfaction of the Commission:

1. The damage caused by fires occasioned by locomotives is such as to require a completely efficacious remedy.

2. The condition of the lands adjoining the right of way of the railroads through the forest, and the condition of the right of way, are such as to make the fire risk during the daytime exceptionally serious for the months from April 15th to November 1st.

3. That the only completely efficacious remedy for such fire risk is the development of such type of locomotive or the use of such fuel as will prevent the throwing of sparks from the stack and the dropping of coals from the ash-pan.

4. The railroad companies have failed in this proceeding to prove any completely satisfactory method of preventing spark throwing or the dropping of fire from the ash-pan, except the use of oil fuel.

5. The cost of oil fuel is such as to justify an order for its use in the Forest Preserve during the months of fire risk.

6. That there is practically no danger of fires being started by coal burning locomotives during the night, between the hours of 8 p. m. and 8 a. m. Be it therefore

Resolved: 1. That the following railroad companies: The New York Central and Hudson River Railroad Company, operating the Mohawk and Malone railroad, Carthage and Adirondack railroad, and New York and Ottawa railroad; The Delaware and Hudson Company, and the Cranberry Lake Railroad Company, be required, subject to the provisions of the following paragraph 4, to burn oil for steam generation on all locomotives operated by each of said companies within the Forest Preserve in the Adirondack region during the months of each year from April 15th to November 1st, and between the hours from 8 a. m. to 8 p. m.

2. That all locomotives to be used by said companies within the Forest Preserve in the Adirondack region at night, from April 15th to November 1st in each year, between the hours of 8 p. m. and 8 a. m., shall be required to burn oil in the generation of steam, except such locomotives as shall have been inspected by this Commission and for which a certificate shall have been issued entitling such locomotive or locomotives to be operated by the burning of coal during said hours, which certificate shall be revocable at the pleasure of the Commission.

3. That any of said companies may apply at any time, on notice to the Forest, Fish, and Game Commissioner, for an order modifying the period during which oil burning locomotives shall be used during the then current year.

4. That the complete installation of oil burning shall be effected not later than April 15, 1910.

5. That at least two locomotives on the Mohawk and Malone railroad, and two on the Delaware and Hudson railroad, be fitted up with oil burning

apparatus and placed in service not later than July 15th of the present year, and maintained in service until at least November 1st.

6. That no locomotive other than an oil burning locomotive be used by the said companies within the limits of the Forest Preserve at any time subsequent to June 1, 1909, unless it shall have been inspected by this Commission and a certificate, revocable at pleasure, issued that such locomotive may be used within said Forest Preserve.

7. That this proceeding shall be continued, to the end that the Commission may from time to time take such further action by way of hearings, investigations, or orders as it may deem advisable.

8. That each of the several companies affected by this resolution make report to this Commission weekly to November 1, 1909, of all fires set by locomotives operated by it, giving the number of the locomotive known or believed to have set any such fire.

9. That an order embodying the provisions of this resolution be entered and served upon each of the railroad companies at once. That said order take effect on the 15th day of April, 1909, and continue in force until modified or abrogated by this Commission. That each company be required by said order to notify the Commission before the 15th day of April, 1909, whether the terms of the order are accepted and will be obeyed.

The provisions of this order have been carried out during the past summer by the installation of two oil burning locomotives on the Mohawk and Malone division of the New York Central, and two on the Delaware and Hudson. The performance of these locomotives has been noted from time to time by the Supervisor of Equipment.

The order required the inspection of coal burning locomotives which were used in the Forest Preserve during the last summer and contemplated the issuance of certificates for each locomotive so inspected. This work was systematically carried out by the Supervisor of Equipment and the Mechanical Engineer of the Commission, and the ash-pan and spark-arrester of every coal burning locomotive which was used in the Adirondack Forest Preserve last summer was carefully examined.

This involved the inspection of 109 locomotives at least once, and in many cases the inspection had to be made a second and occasionally a third time, as in the first inspection 67 of the locomotives, or 61 per cent, were found to have defective spark-arresters or ash-pans, or both.

The detailed results of above inspection are given in the following table:

Railroads.	Locomotives inspected.		
	Number.	Condition of spark-arresters and ash-pans.	
		Bad.	Good.
Brooklyn Cooperage Co	2	1	1
Cranberry Lake R. R.	1	0	1
The Delaware & Hudson Co. (Chateaugay branch)	26	19	7
The Delaware & Hudson Co. (Chat. Iron & Ore Co.)	3	3	0
Marion River Carry	1	1	0
N. Y. C. & H. R. R. R. Co. (Adirondack subdivision)	56	26	30
N. Y. C. & H. R. R. R. Co. (Carthage & Adirondack branch)	7	7	0
N. Y. C. & H. R. R. R. Co. (New York & Ottawa)	10	8	2
Paul Smith's R. R.	1	1	0
Rich Lumber Co.	2	1	1
Total	109	67	42

The Supervisor of Equipment reports in this connection as follows:

At nearly all engine houses defects were noted, and long delays were incurred waiting for proper repairs to be made before certificates could be issued. On locomotives recently out of the shop after heavy repairs, inexcusable defects were noted, indicating that little attention had been given to the matter of repairs or design at the general repair shops.

It was necessary for your engineer to spend three weeks on the Delaware and Hudson railroad before the spark-arresters and ash-pans were in sufficiently good condition to warrant the issuing of certificates. At a number of places on the New York Central there seemed to be insufficient help to make proper repairs and daily inspections. The indications were that sufficient care was not given to these details in making general repairs and that little attention was given to the design of joints, patches, etc.

On the Carthage and Adirondack all locomotives were found to be in a defective condition.

On the New York and Ottawa I was informed that no instructions had been received from the New York Central general offices as to what was required in the way of improving the condition of spark-arresters and ash-pans. At first inspection eight locomotives were found to be in a defective condition. It was necessary to make three inspections before conditions were sufficiently good to warrant the issuing of certificates.

The conditions outlined existed after six months' agitation in the matter of oil burning locomotives and the definite promise of the railroads involved to eliminate any imperfections in their coal burning locomotives. This unsatisfactory condition was called to the attention of the management of the railroads concerned, and after a number of check inspections a decided improvement was noticeable in the matter of inspection and maintenance of spark-arresters and ash-pans.

The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company have been experimenting this past year with many devices designed to eliminate dangerous spark throwing. I personally have watched tests with a number of these devices. Most of them did not show any improvement over present devices when maintained in a good condition.

The work of inspection this year will have to be started by March 1st in order to have the locomotives which are to be used at night certified to by April 1st. I believe it will be necessary to make constant inspection to have coal burning locomotives maintained in a proper and safe condition for use at night in the Adirondack Forest Preserve. Outside of the Adirondack Forest Preserve gross carelessness has been noted on nearly all of the railroads in the matter of maintenance of spark-arresters and ash-pans, and better care should be given to these devices.

The conditions above outlined indicate clearly the need of systematic inspection of the design and maintenance of ash-pans and spark arresting appliances. As much attention as possible will be given to this work during the coming year, not only upon the railroads operating in the Adirondack Forest Preserve but on the other railroads of the State.

The experimental oil burning locomotives installed by the New York Central on the Mohawk and Malone division were of the ten-wheel type, 22 x 26-inch cylinders, weight of drivers 158,000 pounds, boiler pressure 200 pounds, and grate area 55 square feet. A considerable portion of the grate area was bricked off, and the locomotives were equipped with Heintzelman burner of the type used on the Southern Pacific railroad.

These locomotives were assigned to service on local passenger trains between Utica and Malone, a run of 167 miles per day, the engine crews being changed at Tupper Lake Junction.

The firemen were frequently changed, for the purpose of giving instructions in oil burning to as many men as possible. While this was good practice from a practical point of view, it will necessarily result in the experimental oil burning locomotives showing considerably more than the normal consumption of fuel oil. No definite data has as yet been given to the Commission as to the amount of oil consumed upon these experimental locomotives or as to the increase of repairs due to oil burning.

We are however informed that the oil consumption is in excess of the figures used by the Commission in its determination in this case, and we have also been advised that a number of engine failures have occurred on account of the oil burning apparatus.

On the first trips of these locomotives there was a great deal of trouble from heavy black smoke, which indicated waste of oil and carelessness in firing.

This condition, however, was greatly improved as the season advanced, and it is probable that there will be no further trouble from this source.

The New York Central has petitioned the Commission for a rehearing in this case, urging as a reason that the remedies applied by its operating officers during the past summer have been efficacious in preventing fires and that the additional expense of oil burning is not justified. The Commission now has the matter under consideration.

The Delaware and Hudson Company placed two experimental oil burning locomotives in service the first of July, these locomotives being of radically different types. One was of the mogul type, 18 x 24-inch cylinders, 107,700 pounds weight on drivers, steam pressure 140 pounds, and grate area 36.75 square feet. The other locomotive was of the ten-wheel type, with cylinders 21 x 26 inches, weight on drivers 134,000 pounds, boiler pressure 200 pounds, and grate area 84.85 square feet, this large grate area having been provided for the purpose of burning the smaller sizes of anthracite coal. It was considered very doubtful whether this type of locomotive could be made to burn oil successfully and the experiment was only tried because of the large number of locomotives of this type which are in use on the Delaware and Hudson lines.

The smaller locomotive was assigned to service on the local freight trains between Lyon Mountain and Lake Placid, making the round trip each day, a total distance of 94 miles. The larger locomotive was assigned to passenger train service between Plattsburgh and Lake Placid, making the round trip each day, a distance of 166 miles. Eighteen firemen were used on these locomotives in the period between July 15th and November 1st. Both locomotives were equipped with the W. H. Best American Calorific Oil Burning Device.

No definite data has been received as to the amount of oil consumed per mile run or the increase of repairs occasioned by oil burning. We have, however, been unofficially informed that no trouble has been experienced with the smaller locomotive, and that the larger locomotive with the anthracite burning grate has caused some trouble with leaky crown-stays and with brick arches

falling down. No engine failures have been reported on account of the oil burning apparatus

No rehearing in this matter has been requested by The Delaware and Hudson Company, and we are unofficially advised that active preparations for oil burning by that company in accordance with the terms of the order are in progress.

No serious fires have occurred this year along the lines of railroads running through the Adirondack Forest Preserve; 93 small fires have been reported by the railroads to this Commission: 71 fires are reported as being started from locomotives, and 22 from miscellaneous causes.

The railroad companies have maintained a systematic fire patrol, and this was supplemented by the state patrol. These precautions, together with improved condition of locomotives and more favorable weather conditions than existed in 1908, have resulted in reducing the number of small fires to a minimum and the prevention of any serious damage to the forest.

PROPER INSPECTION OF STEAM RAILROADS

The proper inspection of steam railroads demands the most careful and painstaking examination of all of the physical properties. The condition of ties, rails, and ballast must be carefully noted. All openings in the roadbed occasioned by bridges, culverts, and drains demand careful inspection. In case of large systems such an inspection can be made satisfactorily only by the use of an observation engine which can be stopped at any point, and which, while moving, enables the inspector to view with sufficient degree of accuracy various matters requiring his attention.

It has been and is the custom of nearly all the railroad systems within the State having such engine to furnish the same for the use of the inspectors of the Commission. The Commission is in receipt of numerous letters from superior officers of various railroad companies expressing their desire to furnish every facility of this nature that the Commission's inspectors may need, saying that the benefits derived by the company from such inspection are far in excess of any cost occasioned thereby.

Subdivision 2 of section 45 of the Public Service Commissions Law explicitly provides that the Commission shall have the general supervision of all railroads within the District, and "shall have power to and shall examine the same and keep informed as to their general condition". It is this provision of law which requires of the Commission that it shall make periodical and sufficient examination into the physical condition of all of the railroads subject to its supervision. It is obviously impossible to comply with this requirement of law without the aid of the railroads themselves in furnishing proper facilities for transportation of the Commission and its inspectors over the roads to be examined. The question early arose as to what compensation the railroad corporations were entitled for performing such service. There is no express provision of law upon the subject. Section 33 of the Public Service Commissions Law provides that no common carrier subject to the supervision of that act shall, directly or indirectly, issue or give any free ticket, free pass, or free transportation for passengers or property between points within the State, except to certain classes, which do not include either the commissioners or their inspectors. Section 15 of the same law provides that no railroad corporation shall give to any commissioner, or to any officer employed or appointed to office by the Commission, any free pass or transportation, or any reduction in fare to which the public generally are not entitled.

While there may be strong reasons for believing that corporations subject to its jurisdiction are required by law to furnish all proper facilities to the Commission and its employees for the performance of official duties, which would include the furnishing of proper transportation facilities to the business of inspecting the roads of the several companies, the Commission early thought it better to construe the law that for transportation over the several railroads within the District for the purpose of inspection it was better that the Commission should pay each road the regular passenger fare for each inspector irrespective of the character or extent of the facilities furnished. The reasons for this conclusion were carefully stated in a memorandum prepared by the Commission, and the inspectors have been uniformly instructed to ask of the corporations whose roads have been

inspected to present bills to the Commission for audit based upon this principle.

In the year 1908 The Delaware and Hudson Company presented a bill to the Commission amounting to $2450 for the use of an observation engine employed in transporting an inspector of the Commission over the road of the company while engaged in inspecting such road. The Commission declined to pay the same, giving a full statement in writing of its reasons therefor. The Commission has at all times been ready to pay one full passenger fare for the distance traveled, pursuant to its general determination in that behalf. The bill of The Delaware and Hudson Company has been presented to the Commission once or twice since the first refusal, but has been met each time with a prompt declination to pay more than the amount first offered.

In the year 1909 an inspector of the Commission applied to the Vice-President and General Manager of The Delaware and Hudson Company for transportation over the road for the purposes of inspection in the usual manner. That officer declined to furnish a special train or observation engine for the proposed inspection unless the company were paid the regular rate per mile for special train.

It was impossible for the Commission under these circumstances to have an inspection of the road made, and therefore the railroad of The Delaware and Hudson Company has not been inspected by the Commission or by any of its employees during the year 1909, and the Commission has not been able to obey the mandate of the statute that it shall keep informed as to the condition of this road. The usual price to private individuals for the use of a private train or observation engine is at the rate of $2 per mile. There are upwards of 8000 miles of railroad track within this State which require at least annual inspection, and at the price named the cost of inspection would be upwards of $16,000. Doubling the track, which is required in many cases, would increase the expense considerably. If one road is to be paid at this price for the use of its observation engine and special train, all roads should be so paid, and the expense to the State

annually for such inspection, by reason of the transportation of the inspectors, would amount to between $20,000 and $25,000.

It is at least advisable that the Commission itself should from time to time, as may seem judicious, go over the roads within its supervision and become personally acquainted with their physical condition. This would add very largely to the expense if paid for according to the foregoing rates. No appropriation has ever been made by the Legislature sufficient to pay such expense, and if the position taken by The Delaware and Hudson Company is correct, it would be impossible for the Commission to continue the inspection of railroads upon that basis unless the Legislature should provide a sufficient appropriation therefor.

It is believed by the Commission that the Legislature should dispose of this matter clearly and finally so that there may be no further debate or friction about it. Railroad corporations are obliged to furnish at their own expense such information regarding their physical or other condition as the Commission may from time to time require. Annual reports, special reports, and all other information regarding specific facts which the Commission may require are necessarily furnished free of expense to the State. It would seem to be the duty of the corporation supervised to furnish all proper facilities for such supervision and any inspection which may be required in the course of such supervision. There seems to be no good reason why transportation of an inspector or of members of the Commission while engaged in inspecting a railroad should be paid for by the State. It is a facility which the inspected corporation should furnish in order that the state authorities may acquire that information which the statute requires them to possess.

The Commission respectfully asks that the Public Service Commissions Law be so amended as to put the whole matter beyond further discussion.

REPORTS OF ERIE RAILROAD COMPANY AS TO DELAYED TRAINS

Beginning with April, 1908, this Commission required steam railroad corporations to report to it delays in the movement of passenger trains. Careful and elaborate regulations were made

as to the form and requirements of such reports, all of which are fully set forth and explained in the Commission's Annual Report for the year 1908, under the head "Passenger Train Delays". It is believed that the publicity given to these reports by means of the monthly bulletin issued by the Commission has been of great benefit in improving passenger train service. It was assumed that railroad corporations would make these reports correctly, and the monthly bulletins issued by the Commission have been based upon that assumption, the figures published being a compilation from the reports of the various corporations named.

During the year 1909 facts came to the attention of the Commission which led it to believe that the reports submitted by the Erie Railroad Company were incorrect. Certain trains operated upon its road were notoriously delayed, and complaints were made regarding the same. Personal experience of the commissioners also induced the suspicion that the reports received did not correctly represent the facts. Investigation was made in some cases with such results that inspectors of the Commission were detailed to check the original train reports of the company from which its reports were compiled. Such checking was done upon the following divisions: Buffalo, Buffalo and Southwestern, Allegheny, and Susquehanna. The results of this checking disclosed that the reports filed by the company for the month of August, 1909, which was the month checked, were grossly incorrect, indicating that a system of incorrect reporting was pursued and that the errors were not merely clerical in their nature.

An order was thereupon made and served upon the company requiring it to show cause on the 13th day of December, why it should not make and file reports of all its passenger train movements from April 1, 1908. A hearing was had pursuant to this order, upon which it appeared by the evidence of the Vice-President and General Manager of the company that the instructions and regulations regarding such reports were observed according to their plain tenor until the month of January, 1909, at which time an order was issued by the General Manager of the company changing the directions to subordinates as to the manner of making the report. The change ordered was that a train should be reported

on time at a division terminal provided it made its running time upon that division, although it might, in fact, be late, provided the delay arose from causes occurring without the State. Inasmuch as nearly all trains upon the Erie railroad are interstate trains, the very great difference in results obtained by such a method of reporting is apparent. Nothing whatever in the language of the instructions justified any such construction of them, and the fact that a proper construction was placed upon these instructions for a period of nine months, and then a change made without notification to the Commission, requires no comment.

It also appeared upon the hearing by the testimony of its Vice-President and General Manager that the company had sent out press matter calling attention to the superior passenger train service of the road as disclosed by the Commission's bulletins.

Other errors were disclosed in the reports by the checking for the month of August which were not explainable either by the instructions aforesaid or on the theory that they were clerical errors. The company was given time to look into the matter and ascertain the cause of such errors.

The Commission has, however, issued an order requiring the company to file with it on or before February 1, 1910, full reports from April 1, 1908, verified by the person making the same from the original train sheets. Further attention will be given to this matter upon the filing of such reports.

OPERATIONS OF STEAM RAILROADS

The following table shows for the fiscal years ended June 30, 1907, 1908, and 1909, certain aggregate results of the operations of the steam railroad corporations reporting to this Commission, with the exception of three named in the note. These results are (1) total gross earnings; (2) total expenses of operation; (3) total net earnings from operation; (4) tons of freight carried; (5) ton-miles of freight carried; (6) passengers carried; (7) total passenger-miles; (8) total dividends paid during the year.

TABLE showing certain results of operation of steam railroads for fiscal years ended June 30, 1907, 1908, 1909:

	1907	1908	1909
Gross earnings from operation	$396,557,982	$402,317,818	$402,265,445
Per cent of increase over preceding year	8.16%	1.45%	*D 0.01%*
Expenses of operation	$278,191,841	$282,410,002	$266,852,915
Per cent of increase over preceding year	10.06%	1.51%	*D 5.51%*
Net earnings from operation	$118,366,141	$119,907,816	$135,412,530
Per cent of increase over preceding year	3.88%	1.30%	12.93%
Tons of freight carried	265,609,000	248,750,953	247,652,000
Per cent of increase over preceding year	6.69%	*D 6.34%*	*D 0.44%*
Ton-miles of freight carried	37,343,086,000	37,564,347,398	37,530,589,000
Per cent of increase over preceding year	9.26%	0.59%	*D 0.09%*
Passengers carried	253,693,000	278,880,817	274,741,000
Per cent of increase over preceding year	2.68%	9.93%	*D 1.48%*
Total passenger-miles	6,010,356,000	6,511,203,679	6,460,505,000
Per cent of increase over preceding year	7.39%	8.33%	*D 0.80%*
Total dividends paid during the year	$52,107,722	$42,159,002	$39,215,300

Note — The figures above given are compiled from the reports of operating steam railroad corporations for the years mentioned, except those covering operations on the lines of the Western New York and Pennsylvania Railway Company, Elmira and Williamsport Railroad Company, and Elmira and Lake Ontario Railroad Company. The figures covering the operations of these lines for the year 1909 have not yet been received, and corresponding figures for the years 1907 and 1908 have therefore been excluded above. The letter D indicates decrease.

It should not be overlooked that the results thus summarized embrace much more than operations in the State of New York. The summary is of corporations reporting to this Commission, and covers all their operations both within and without the State.

The figures presented are of very considerable interest, covering as they do the operations of the great systems of the New York Central, Erie, Lackawanna, Lehigh, Lake Shore and Michigan Southern, Boston and Maine, New Haven, Delaware and Hudson, and others of lesser magnitude. They disclose: (1) That the gross earnings from operation and net earnings from operation reached their maximum amount in the year ended June 30, 1908. It is a fact, but not shown in the table, that the gross earnings were larger that year than any previous year. (2) That the gross earnings for the year ended June 30, 1909, were less than for the year ended June 30, 1908, by the sum of $52,373, or one one-hundredth of one per cent. (3) That expenses of operation for 1909 were decreased from previous year 5.51 per cent. (4) That comparing same years, net earnings from operation were increased 12.93 per cent. (5) That comparing same years,

the ton-miles of freight carried were decreased nine-hundredths of one per cent. (6) That comparing same years, the passenger-miles were decreased eight-tenths of one per cent.

Results to stockholders are significant. The dividends paid to stockholders in 1909 are less than those paid in 1907 by $12,892,422, or 24 per cent, and less than those paid in 1908 by $2,943,702, or 7 per cent.

OPERATIONS OF ELECTRIC RAILROADS

The following table for electric railroads gives the same information for electric railroads as the preceding table for steam railroads:

TABLE showing certain results of operations of electric roads for fiscal years ended June 30, 1907, 1908, 1909:

	1907	1908	1909
Gross earnings from operation	$19,293,052	$21,194,486	$21,919,652
Per cent of increase over preceding year	15.9%	9.85%	3.4%
Expenses of operation	$12,471,755	$14,129,150	$14,647,399
Per cent of increase over preceding year	17.7%	13.3%	3.7%
Net earnings from operation	$6,821,197	$7,065,336	$7,272,253
Per cent of increase over preceding year	12.8%	3.6%	2.9%
Passengers carried	A 427,520,000	451,388,415	462,455,932
Per cent of increase over preceding year	11.4%	7.2%	B 3.0%
Total dividends paid during the year	$1,659,157	$2,065,242	$2,965,206

A.— Includes 6,356,000 other than passengers paying single fare and continuing travel on transfers, which is the basis for 1908 and 1909 figures; and this number is deducted before calculating percentage of increase in 1908.

B.— The total for 1908 is decreased by 2,542,000 before deriving this percentage in order to compare like returns in both years.

This table requires no comment except to note that each year shows an increase in business over the preceding year.

PUBLICATION OF STEAM RAILROAD TIME-TABLES

For many years it was the general practice of steam railroad corporations to publish in local newspapers a time-table showing the scheduled arrival and departure of passenger trains at the station situate in the town of publication. In the year 1907 this practice was almost wholly discontinued. The reasons for such discontinuance it is unnecessary to consider. The fact of the dis-

continuance and its effect upon public convenience are important, and have engaged the attention of the Commission.

Section 34 of the Railroad Law provides: "Every railroad corporation shall start and run its cars for the transportation of passengers and property at regular times, to be fixed by public notice." No provision of law declares what the required public notice shall be. Beyond this one provision the law seems to be silent as to the information which shall be afforded the public concerning the arrival and departure of trains. It needs no argument to show that both the convenience of the public and the interest of the corporations are served by giving the widest practicable information as to the movements of passenger trains. There is scarcely any one who has not felt annoyance and been subjected to more or less inconvenience by reason of inability to ascertain readily the departing time of some train. The railroad companies meet the conceded necessity of the case to a limited extent by the use of folders distributed gratuitously to those asking for them at stations, and by cards containing the local time-table which are in many towns hung up in offices and public places. These do not, however, go into the homes of the people, and do not meet the needs of those who are least informed and have no proper facilities for obtaining the desired information.

No better or more ever-present means of making such information readily accessible at all times and to all people has ever been discovered than the local newspapers, which can always be found in every house and nearly every place of business. The Commission believes it to be wholly reasonable to require the steam railroad corporations to use this means of informing the public and giving the public notice which the law justly requires. A notice which fails to reach those for whose benefit it is required is in effect no notice, and a notice of train departure which is not available to one desiring to use the train is useless to that person. It is not thought that the expense involved would be so great as to demand serious consideration. In numerous and diverse cases where publicity is deemed essential the use of newspapers is required by law. The custom of many years has shown its utility in the case under consideration.

The Commission has not been able to satisfy itself that it has

power to require the publication of local time-tables in newspapers. Such power may possibly be conferred by section 49 of the Public Service Commissions Law, but it is better to indulge in no speculations upon that point.

Pursuant, therefore, to section 45 of that law, it recommends the enactment of a law requiring all operating steam railroad corporations having a station in any village or city in which a newspaper is published, to publish in such newspaper or newspapers a proper table showing the time of arrival and departure of all regular passenger trains at such station. Such an act would require in its drafting considerable attention to details which it is not necessary to discuss at length at this time. It would not be useful to enforce such publication in all the newspapers of first-class cities, nor should the publication be required in any newspaper provided the rate charged exceeded a reasonable sum to be named in the act. The price fixed by law for legal advertisements is not appropriate and would form no proper basis for the charge. All details of this nature can be easily worked out.

INCOME ACCOUNTS OF STEAM RAILROAD CORPORATIONS

The financial results of the operations of each of the steam railroad corporations reporting to this Commission are of great interest. These corporations are required by law to file their annual reports for the year ended June 30th, on or before September 30th. The Commission is authorized to extend the time for making and filing such report for a period not exceeding sixty days, or practically to December 1st. It seems to be impossible to get all reports filed before September 30th. When filed, careful checking discloses errors requiring extensive correspondence for their correction. The result is that many months are required for the preparation of the abstracts of these reports of which the law requires the publication.

The income accounts for the year ended June 30, 1909, with three exceptions, have, however, been compiled and are printed as an appendix to this report of the Commission as submitted to the Legislature. The precise accuracy of the figures presented can not be vouched for until the reports have been thoroughly

checked. These accounts will be printed in the bound volume of abstracts of reports of corporations accompanying this report, and it is possible that as so printed they may vary in places from the accounts as now presented. If such variation should occur, it will be due to discovery of errors in the reports and the proper correction thereof.

MISQUOTATION OF RATES

Numerous claims have been presented to the Commission during the year based on misquotation of rates by railroad agents. The pernicious results of such misuse of tariffs by shipping agents has raised general complaint throughout the country. Strong reference has been made to this subject by the Interstate Commerce Commission in its report to Congress, and bills before that body contain provisions for remedy. The best system of tariff making yet devised by the carriers has failed to so state rates and regulations affecting rates that they can always be correctly ascertained by shippers for themselves; and yet the theory of the law, both federal and state, is that the rate tariffs which are required to be kept open to public inspection shall be in such form that they can be read with accuracy by those who ship their property by railroad. One remedy proposed is a penalty upon the carrier when its agent uses, in billing, a rate different from that authorized by the tariff. Another stated remedy is a requirement upon the carrier to respond in damages, which practically applies the rate erroneously used in billing the freight.

The subject is difficult to handle. The importance of adhering to the tariff charges for all shipments, thus avoiding any possible recurrence to the old intolerable rebate conditions, is manifest. The application of a penalty upon the carrier in cases where the tariff ought to have been readily interpreted by the agent is not clearly appropriate, though it may be that some method of that kind must be adopted. In the meantime, the effort to simplify tariff construction and to produce a form or method of stating rates which will reduce mistakes of this kind to a minimum should be pressed vigorously.

The use of erroneous rates by agents due to misreading of the tariffs is not merely occasional. The files of this Commission, relating entirely to traffic within this State, show a large number

of claims based upon careless interpretation of tariffs by agents. It is no answer for the carriers to say that the law applies to shippers as well as to the carriers, that the tariffs are kept open to public inspection, and that the mistake of the agent does not excuse the shipper. It is true that under decisions of the courts the tariff rate must be applied regardless of mistakes, but the shipper says justly that he ought not to bear the burden of the agent's carelessness or the carrier's involved methods of tariff construction. The shipper takes strong ground in his contention that he can not be expected to correctly interpret a tariff of rates and rules which the carrier's own agent is unable to apply according to its terms.

These rate errors — misreading of the tariffs — frequently result in curious situations. The mistake generally results in quotation and use of a lower rate than that required by the tariff. The freight is billed out on the lower rate so quoted. Frequently the freight is delivered without correction of the rate to conform to the tariff. Once used in that way other shipments follow. Finally the billing of the first shipment reaches the railroad company's auditor, who notes the required correction, and then, months after the shipment moved, demand for additional payment according to the tariff is made by the company upon the shipper or consignee who paid the freight charge; and like demands on account of the other shipments follow. The damage to shippers of traffic sold on close margin is manifest. The shipper has sold his goods on the rate quoted and used. The additional charge demanded is clear loss. If the rate quoted was higher than the tariff rate, as some times happens, either the shipper may have lost the sale of his product, or if the shipment moved he derived a profit from misquotation of which the consignee is deprived.

Obviously the important work in this connection is to simplify the tariffs and render them so plain that errors by agents must be held inexcusable. Shippers require the element of certainty in their commercial transactions, including transportation charges. The right to collect damages or the imposition of a penalty in cases where agents use a wrong rate is of no conse-

quence to the shipper except as it may operate to insure accuracy in the application of rates.

The National Association of Railway Commissioners at its convention held in Washington in November last established a Committee on the Simplification of Railroad Tariffs, and authorized that committee to hold conferences with shippers and railroad officials with a view to bringing about action in the way of simple and uniform methods of stating rates and regulations affecting rates in railroad tariffs. The idea is to do for the tariffs what a committee of railroad men, acting under authority of the companies, are now doing for freight classification.

REPARATION TO INJURED SHIPPERS

It became apparent soon after the Public Service Commissions of this State were organized that justice to shipping interests demanded the formulation of a procedure as a basis whereby reparation could be lawfully provided for injured shippers. The situation then presented may be briefly described:

Prior to the taking effect of the Public Service Commissions Law, July 1, 1907, carriers engaged in transportation within this State were not required by law to publish their rates nor to adhere to any schedule of rates they may have used. Whatever rate tariffs or schedules they had in use could be and were departed from at will, and special rates made by letter or telephone, and thereafter used by understanding until altered by the carriers' traffic officials, were commonly employed. Rebates from rates so made were paid by the carriers on satisfactory showing submitted by shippers. In any such system discriminations between competing shippers could easily result, and under such methods of individual rate making throughout a territory as large as New York state they could not be avoided. The general complaint of unequal rate practices and complete uncertainty of charges for common public service in transportation by rail had long been recognized as calling for the same remedies as had already been provided in the federal statute respecting rates in interstate commerce. Upon the taking effect of the Public Service Commissions Law the carriers proceeded up to November 1, 1907, the date limit fixed by that statute, to publish their schedules of rates

and charges. In doing so they cut off a large number of special or commodity rates, and in many instances class tariffs were revised. The result was a very different system of charges whereby many rates formerly enjoyed by shippers were raised, in many instances very largely. Shippers not having been accustomed to consult fixed published tariffs did not do so generally, and a large number of shipments made in reliance upon the old rates had applied to them the new and higher tariff charges. A large number of complaints ensued both to the carriers and to the Commission, and in each instance these complaints called for rectification of the higher rate charged on shipments already made as well as reduction of the tariff rate for future shipments. It is greatly to the credit of the carriers that in all but a few cases reductions in the tariff rate were promptly made, and they joined with the shippers in seeking authority to make reparation. The processes of railroad tariff revision in such circumstances as these are necessarily slow, both on account of the great number of tariffs and the rates they contain, and the large territory with diversity of conditions involved, and the time and expense necessary to the reprinting of schedules which embrace not only state but interstate rates in the great majority of instances. Moreover, the best talent engaged in constructing tariffs for railroads has been unable as yet to devise a system of rate making and rate stating which is not subject under reasonable commercial demands to frequent and many changes. Special commodity tariffs applying from or to a single locality are established in the view that the traffic movement will be confined to the points stated in the tariff, and it largely is; but the occasions are very frequent where the same commodity is subsequently offered for shipment from or to an intermediate point with only the higher class rate in force. This is a fruitful cause of just reparation claims.

We have also the vexatious question of switching charges applying on traffic generally, but frequently shown to be too high for a particular low class commodity. Again, errors in tariff construction, such as failure to extend a lower scale of rates previously put in effect for some localities but not extended to others in the same immediate section. Still another example is found in typographical or clerical mistakes. In general, as stated, the carriers themselves are willing to change the rate complained of

because of its unjust and unreasonable character, and afford reparation for the high rate applied to a particular shipment in the recent past. Sometimes the carrier is not willing to change the rate complained of, and in such a case it is but natural that the complainant should seek not only to have the rate reduced for the future as being unreasonably high, but to secure reparation for the difference between that rate and the rate fixed by the Commission as reasonable and just.

Therefore, to avoid the infliction of unnecessary and often very damaging rate burdens upon shippers, it became necessary to devise a scheme of reparation procedure which could be lawfully followed under the statute.

As stated in former reports, a system of reparation was devised by the Commission and made public in its Circular No. 40 issued August 12, 1908. The Commission is not a court with authority to enter judgment requiring the payment of money as in satisfaction of damages, and therefore it is without power to issue an order directing a carrier to repay to a shipper that part of a transportation charge on a past shipment which the Commission may find to have been excessive, unjust, or unreasonable. On the other hand, the Commission has held that where an existing rate is shown to be unreasonable or otherwise unlawful and is ordered reduced by the Commission to a rate found reasonable and just, the Commission may also declare its opinion that the injured shipper is entitled to recover the difference between the rate found unreasonable or otherwise unlawful as exacted on a prior shipment and the rate so found by the Commission as reasonable and just and ordered not to be exceeded as a maximum by the carrier on future shipments. If the carrier is unwilling to make reparation the shipper must resort to the courts to enforce recovery, the right to so recover for loss or damage caused by violation of the Public Service Commissions Law being conferred by section 40 of that statute. Where a carrier, upon claim of a shipper for reparation, has promptly reduced the charge complained of, the claim of the shipper and the reply of the carrier agreeing to make a refund of that part of the charge which was in excess of the new rate or fare so put in force, are treated as complaint and answer, with admission of liability and waiver of hearing on the part of the carrier. When it appears that the parties are acting

in good faith and that under all the circumstances compliance with the statute requires that reparation shall be made, it is the practice of the Commission to declare that the shipper is entitled to recover the difference between the higher rate charged and the lower new rate which has been put in effect.

The main restrictive considerations applied to rate reparation cases are:

Ordinarily the rate should have been reduced as the result of complaint to the carrier;

The old rate should have been obviously too high, or plainly out of line with other rates;

The request for reparation should have been made to the carrier within a reasonable time after the high rate was applied to the shipment;

The burden of the excessive charge must be shown to have been borne entirely by the claimant;

It must appear that the claim, when consented to by the carrier, will not, if sanctioned, take on any of the characteristics of a rebate; and the carrier should state that it has no intention to and sees no reason at the time for advancing the reduced rate in the near future.

INVESTIGATIONS BY THE COMMISSION

As stated in former reports, it is the practice of the Commission to take up complaints for informal investigation and disposition whenever practicable. Such practice serves: 1, to cause prompt settlement of cases by concession of relief to the complainants; 2, to promptly advise many complainants that the law does not apply to the matters they present, either from lack of jurisdiction or because no violation of the statute is shown; 3, to keep the number of cases requiring formal investigation and action down to a minimum.

So far as rates and rate regulations are concerned, and in many cases as to service, the public is best served by this method of informal investigation. Where authority to effectively correct abuses is fully conferred by the statute, the changes of rates and provision of better service called for by well founded complaints can generally be secured by the Commission without trial and

issuance of orders. It follows that in this way complaining persons and their localities are greatly benefited by the law in its administration by the Commission.

During the year the Commission has had called to its attention from time to time some tendency on the part of shippers to refrain from complaining to the Commission because of the fear that such action may prejudice them in the minds of railroad managers and in some indefinite way result injuriously to their shipping business. Of course such fear is entirely unfounded and not likely to exist to any extent after shippers have come thoroughly to realize that common carriers in this State are required by the law to act and conduct their business in conformity with accepted standards of reason and justice. Every patron of railroads in this State is entitled to use these transportation facilities with privileges equal to those accorded to others and to have the service they require adequately performed at reasonable cost.

Some of this tendency on the part of shippers to withhold rate and service complaints is undoubtedly due to the fact that a few subordinate railroad officials have misrepresented the requirements and prohibitions of the law and have based refusal to accord relief to shippers upon a claim that the concession was forbidden by the regulating statute. Several instances of this kind have been brought to the attention of the Commission. In every such case the shipper has been notified that the claim so asserted was wholly without foundation, and the subject has been taken up vigorously with executive officers of the railroad company. Their replies have invariably disclaimed responsibility for such action on the part of their subordinates. When representations of the kind stated are made, shippers should write the Commission either before or after communicating directly with the proper executive officer of the railroad company.

CAPITALIZATION

The following table is an analysis of the authorizations granted by the Commission for the issue of stocks, bonds, and other evidences of indebtedness, pursuant to sections 55 and 69 of the Public Service Commissions Law, from July 1, 1907, to and including December 31, 1909:

TABLE Showing applications passed upon since July 1, 1907, for authorizations under sections 55 and 69, Public Service Commissions Law, classified as to kind of corporation, year, number of applications, and amounts authorized:

	1907, six months.				1908.				1909.			
	Stocks.		Bonds, etc.		Stocks.		Bonds, etc.		Stocks.		Bonds, etc.	
	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.	No.	Amount.
Steam railroads	....	.....	8	$9,769,045 49	2	$220,000	14	$70,379,700	6	$48,510,000	12	$73,319,375 85
Electric railroads	....	.....	1	100,000 00	3	14,230,200	5	1,365,000	4	4,154,000	15	4,950,360 00
Electrical corporations	7	$1,140,700	6	5,924,000 00	12	320,500	17	792,500	17	1,991,500	14	6,036,500 00
Gas corporations	1	7,000	....	.....	4	76,000	2	139,500	4	502,700	9	862,000 00
Gas and electrical corporations	1	150,000	3	640,000 00	....	.....	12	4,730,500	....	.....	14	2,528,600 00
Total	9	$1,297,700	18	$16,433,045 49	21	$14,846,700	50	$77,407,200	31	$55,158,200	64	$87,696,835 85

Summary of above table:

Total number of applications stocks	61
Total number of applications bonds, etc	132
Total number of applications	193
Total amount authorized, stocks	$71,302,600 00
Total amount authorized, bonds, etc	181,537,081 34
	$252,839,681 34
Total amount authorized 1907	17,730,745 49
Total amount authorized 1908	92,253,900 00
Total amount authorized 1909	142,855,035 00
Increase in number of cases 1909 over 1908	33.8%
Increase in amount authorized 1909 over 1908	56.6%

The following tables show the applications which have been passed upon by the Commission during the year 1909, pursuant to sections 55 and 69 of the Public Service Commissions Law, for issues of stocks, bonds, or other evidences of indebtedness:

TABLE Showing applications under section 55 of the Public Service Commissions Law for permits to issue stocks, bonds, or other evidences of indebtedness by railroad corporations:

Name of corporation.	Nature of security.	Amount allowed.	1909. Date of permit.
Lehigh & Hudson River R. R. Co.	Notes	$104,580 00	Jan. 25
Fitchburg R. R. Co	Capital stock	550,000 00	Feb. 23
N. Y. & Stamford Ry. Co	Bonds	700,000 00	Mar. 2
Erie R. R. Co	Bonds	30,000,000 00	" 2
Buffalo & Lackawanna Tr. Co	Capital stock	100,000 00	" 3
	Bonds	1,000,000 00	" 3
F., J. & G. R. R. Co	Preferred capital stock	500,000 00	" 31
B., L. & R. Ry. Co	Mortgage	85,000 00	April 8
Erie R. R. Co	Bonds	Amended order	" 20
Frank Sullivan Smith, Receiver P., S. & N. R. R. Co	Receiver's certificates	1,600,000 00	" 22
Leslie Sutherland, Receiver Yonkers R. R. Co	Receiver's certificates	100,000 00	" 26
Great South Bay Ferry Co	Bonds	23,000 00	" 28
Rochester & Manitou R. R. Co	Bonds	50,000 00	" 28
W. N. Y. & P. Tr. Co	Bonds	26,000 00	June 8
Boston & Albany R. R. Co	Bonds	4,500,000 00	" 17
Erie R. R. Co	Bonds	1,000,000 00	" 23
Lehigh Val. R. W. Co	Capital stock	202,000 00	" 29
N. Y. C. & H. R. R. R. Co	Bonds	2,500,000 00	July 8
Geneva, Corning & Southern R. R. and N. Y. C. & H. R. R. R. Co.	Bonds	3,744,000 00	" 8
Albany & Hudson R. R. Co	Bonds	Withdrawn	" 13
Delaware & Eastern Ry. Co	Bonds	4,570,000 00	" 23
	Capital stock	2,050,000 00	" 23
Central New England Ry. Co	Bonds	Denied	Aug. 11
B., R. & P. Ry. Co	Bonds	1,635,500 00	" 11
Leslie Sutherland, Receiver Yonkers R. R. Co	Receiver's certificate	65,000 00	" 30
Geneva, Waterloo, Seneca Falls & Cayuga Lk. Tr. Co	Bonds	500,000 00	" 31
Elmira Water, Lt. & R. R. Co	Bonds	See application Sec. 69	Sept. 2
Albany Southern R. R. Co	Capital stock	3,404,000 00	" 15
	Bonds	1,250,000 00	" 15
Utica Southern R. R. Co	Capital stock	400,000 00	Nov. 12
	Bonds	628,000 00	" 12
Long Island R. R. Co	Debenture bonds	16,500,000 00	" 18
N. Y. C. & H. R. R. R. Co	Capital stock	44,658,000 00	" 23
B., R. & P. Ry. Co	To guarantee 6% dividends on stock of Clearfield & Mahoning Ry. Co		" 24
Fitchburg Railroad Co	Capital stock	550,000 00	Dec. 2
Delaware & Hudson Co	Bonds	7,165,295 85	" 14
Kingston Consolidated R. R. Co	Bonds	56,000 00	" 16
	Notes	17,360 00	" 16
Hornell-Bath Interurban Ry. Co.	Capital stock	250,000 00	" 28
	Bonds	450,000 00	" 28

TABLE Showing applications under section 69 of the Public Service Commissions Law for permits to issue stocks, bonds, or other evidences of indebtedness by electrical corporations and gas corporations:

Name of corporation.	Name of security.	Amount.	1909. Date of permit.
Silver Creek Gas & Improvement Co	Capital stock	$25,000	Jan. 13
New York & Ontario Power Co	Capital stock	600,000	" 14
	Bonds	1,850,000	" 14
Philmont Lighting & Power Co	Bonds	Withdrawn	" 20
Williamsville Electric Lt. & Pr. Co	Capital stock	Denied	Mar. 3
Delaware & Otsego Lt. & Pr. Co	Capital stock	15,000	" 23
	Bonds	15,000	" 23
Nassau Light & Power Co	Bonds	80,000	" 30
Dwaas Electric Co	Capital stock	20,000	April 2
Patchogue Electric Light Co	Capital stock	30,000	" 2
Watertown Lt. & Pr. Co. Cons	Capital stock	455,000	" 7
	Bonds	1,157,500	" 7
Corinth Electric Lt. & Pr. Co	Capital stock	25,000	" 2
Cliff Electrical Distributing Co	Capital stock	500	" 26
Amityville Electric Light Co	Bonds	20,000	May 13
Saranac Lake Gas Co	Bonds	65,000	" 20
	Capital stock	27,700	" 20
Dansville Gas & El. Co	Bonds	95,000	" 26
Oswego County Lt. & Pr. Co	Bonds	2,353,000	" 27
	Capital stock	750,000	" 27
Westchester Lighting Co	Bonds	580,000	June 22
Malone Light & Power Co	Bonds	40,000	" 24
Thousand Island El. Lt. & Pr. Co. (Ltd.)	Bonds	20,000	July 1
Niagara Falls Lighting Co	Bonds	Denied	" 1
Syracuse Lighting Co	Bonds	143,000	" 12
Newark Gas Light & Fuel Co	Bonds	60,000	" 12
Norwich Gas & Electric Co	Bonds	170,000	" 12
Hornell Gas Light Co	Bonds	112,000	" 12
Penn Yan Gas Light Co	Bonds	55,000	" 12
Buffalo General Electric Co	Bonds	243,000	" 14
Newburgh Lt., Ht. & Pr. Co	Bonds	250,000	" 14
Suffolk Gas & El. Lt. Co	Bonds	350,000	" 20
Nassau & Suffolk Lighting Co	Pref. capital stock	420,000	" 23
Niagara Lt., Ht. & Pr. Co	Bonds	10,600	" 29
Rockland Light & Power Co	Bonds	100,000	" 29
Berlin El. Lt., Ht. & Pr. Co	Capital stock	5,000	Aug. 3
Binghamton Lt., Ht. & Pr. Co	Bonds and stock	Denied	" 4
Deer River Power Co	Capital stock	25,000	" 11
Lockport Lt., Ht. & Pr. Co	Bonds	70,000	" 25
Palmyra Gas & Electric Co	Bonds	60,000	" 27
Ithaca Gas Light Co	Bonds	260,000	" 27
Homer & Cortland Gas Light Co	Bonds	160,000	" 27
Lyons Gas Light Co	Bonds	50,000	" 27
Babylon Electric Light Co	Capital stock	30,000	Sept. 1
Elmira Water, Lt. & R. R. Co	Bonds	196,000	" 2
Cataract Pr. & Conduit Co	Bonds	4,000	" 14
Cataract Pr. & Conduit Co	Bonds	149,000	" 14
Pawling Elec. Lt., Ht. & Pr. Co	Capital stock	20,000	" 14
Albany Southern R. R. Co	Bonds and stock	See applications under Sec. 55	" 15
Palmyra Gas & Electric Co	Bonds	Modifications of order of Aug. 27	Oct. 8
Ithaca Gas Light Co	Bonds	Modified order	" 8
Poughkeepsie Lt., Ht. & Pr. Co	Bonds	100,000	" 13
Plattsburgh Gas & Electric Co	Bonds	340,000	" 13
Hilton El. Lt., Pr. & Ht. Co	Capital stock	5,000	" 28
A. L. Swett El. Lt. & Pr. Co	Bonds	45,000	" 28
The Vestal Lighting Co	Capital stock	1,000	" 28
Northern Westchester Lighting Co	Bonds	124,000	Nov. 18
New Angola Gas Co	Capital stock	30,000	Dec. 7
Auburn Gas Co	Debenture bonds	100,000	" 16
Mineville Lt., Ht. & Pr. Co	Capital stock	10,000	" 23

VARIOUS APPLICATIONS

The following table shows the applications by corporations which have been passed upon by the Commission during the year 1909, pursuant to section 53 of the Public Service Commissions Law and section 59 of the Railroad Law:

TABLE Showing applications under section 53 of the Public Service Commissions Law for approval of construction and exercise of franchise by railroad corporations, etc., and section 59 of the Railroad Law:

Name of corporation.	Nature.	1909. Date of permit.
N Y., W. & B. Ry. Co	Certificate of public convenience and a necessity	Jan. 6
N. Y., N. H. & H. R. R. Co. and H. R. & P. C. R. R. Co	Change from steam to electricity.	Dismissed Jan. 16
N. Y., W. & B. Ry. Co	Additional order	Feb. 11
South Shore Traction Co	Extension	Mar. 23
R., S. & E. R. R. Co	Change of route	" 29
N. Y. & N. S. Trac. Co	Change of route	" 30
N. Y. & N. S. Trac. Co	Construction of railroad on change of route	" 30
Lk. Champlain & Moriah R. R. Co	Change of route	Apr. 22
N. Y. & N. S. Trac. Co	Extension	" 30
Babylon R. R. Co	"	May 20
G., W., S. F. & C. L. Tr. Co	"	" 27
Champlain & Sanford R. R. Co	Change of route and change from electricity to oil burning locomotive	June 3
Rockland R. R. Co	Extension	" 9
Oneida Ry. Co	"	" 15
N. Y. & Stamford Ry. Co	"	" 24
Dexter & Northern R. R. Co	Certificate of public convenience and a necessity	July 7
Buffalo Connecting Ry. Co	Certificate of public convenience and a necessity	Denied July 20
Buff. Frontier Terml. R. R. Co	Certificate of public convenience and a necessity	" 20
Lewiston & Youngstown Fr. Ry. Co	Extension	Aug. 3
Utica & Mohawk Val. Ry. Co	"	" 11
Elmira Water, Lt. & R. R. Co	"	Sept. 13
Utica Southern R. R. Co	Construction	Nov. 12
Erie R. R. Co	Change of route and alignment	" 12
John M. Campbell and Milford W. Childs, as Receivers of B., L. & R. Ry. Co	Construction of transmission line.	" 15
Elizabethtown Terml. R. R. Co	Certificate of public convenience and a necessity	" 16
Hornell-Bath Interurban R. R. Co	Certificate of public convenience and a necessity	Dec. 23

The following table shows the applications by corporations which have been passed upon by the Commission during the year 1909, pursuant to section 68 of the Public Service Commissions Law:

TABLE Showing applications under section 68 of the Public Service Commissions Law for approval of construction and exercise of franchise by electrical corporations and gas corporations:

Name of corporation.	1909. Date of permit.
Babylon Electric Light Co	Jan. 6
Rochester Railway & Light Co	" 13
Nassau Light & Power Co	" 25
George K. Seymour, Homer E. Wilson and George W. Post	Mar. 4
Rensselaer Falls Electric Light & Power Co	" 4
Delaware & Otsego Light & Power Co	" 23
New York & North Shore Traction Co	" 30
Rochester, Syracuse & Eastern R. R. Co	" 30
Dwaas Electric Co	Apr. 2
Corinth Electric Light & Power Co	" 2
Port Jefferson Electric Light Co	" 22
Municipal Gas Co	" 28
Despatch Heat, Light & Power Co	" 28
A. L. Swett Electric Light & Power Co	May 13
William Stock of Hannibal	" 19
Seelye A. Cook, Don J. Bigelow, Geo. A. Bowen and Milford W. Childs (closed on record)	" 20
Churchville Oil & Natural Gas Co	June 1
Niagara Falls Lighting Co. (Denied)	July 1
Hoosac River Electric Light Co	July 12
Pavilion Natural Gas Co	" 20
Crystal City Gas Co	Aug. 11
Deer River Power Co	" 11
Patchogue Electric Light Co	Sept. 2
Rensselaer Falls Electric Light & Power Co	" 8
Pawling Electric Light, Heat & Power Co	" 14
Municipal Gas Co	" 22
Wetmore Electric Co	" 22
Arthur Hurd	Oct. 11
Sylvan Beach, county of Oneida	" 26
Hilton Electric Light, Power & Heat Co	" 28
Charles Austin Borst of Clinton, Oneida county	" 28
Vestal Lighting Co	" 28
Orange & Rockland Electric Co	Nov. 4
Alfred Huntington of Sinclairville, Chautauqua county, N. Y	" 23
John M. Campbell and Milford W. Childs as Receivers of the Buffalo, Lockport & Rochester Ry. Co	Dec. 1
Moritz Mayer	" 14
Mineville Light, Heat & Power Co	" 23

The following table shows the applications by corporations which have been passed upon by the Commission during the year 1909, pursuant to various sections of the Railroad Law and Public Service Commissions Law, not elsewhere tabulated:

TABLE Showing sundry applications not elsewhere mentioned, miscellaneous:

Name of applicant.	Nature of application.	1909 Decided.
Norwood & St. Lawrence R. R. Co. and Raymondsville & Waddington R. R. Co.	Merger	Jan. 6
N. Y., W. & B. Ry. Co	Sec. 59 Railroad Law	" 6
Sulphur Springs Gas Co	" 70 P. S. C. Law	" 13
Rockland Light & Power Co	" 70 P. S. C. Law and " 58 Stock Corporation Law	" 13
N. Y. C. & H. R. R. R. Co	" 54 P. S. C. Law	" 22
N. Y. C. & H. R. R. R. Co	" 54 P. S. C. Law	" 22
W. N. Y. & Pa. Tr. Co	" 4 Railroad Law	" 25
N. Y., W. & B. Ry. Co	" 59 Railroad Law (add. order)	Feb. 11
East Side Tr. Co	" 68 Railroad Law, withdrawn	" 11
Floral Park Lt. & Pr. Co	" 70 P. S. C. Law	" 11
Long Island R. R. Co	" 34 Railroad Law	" 24
N. Y. & Stamford Ry. Co	Sub. 10, Sec. 4, Railroad Law	Mar. 2
Buffalo & Lackawanna Tr. Co	" 10 " 4, Railroad Law	" 3
George K. Seymour, Homer E. Wilson, and George W. Post	Sec. 70 P. S. C. Law	" 4
Rochester Ry. Co., Rochester & Eastern Rapid Ry. Co., and Sodus Bay Ry. Co.	Consolidation	" 8
Watertown Lt. & Pr. Co. and Watertown Gas Light Co	"	" 9
Lehigh & N. Y. R. R. Co. and the Lehigh Val. R. R. Co	Sec. 34 Railroad Law	" 9
Buffalo & Lackawanna Tr. Co. and Buffalo & Lk. Erie Tr. Co	" 54 P. S. C. Law	" 23
Rochester, Syracuse & Eastern R. R. Co	Change of route, Sec. 13, Railroad Law	" 29
N. Y. & North Shore Tr. Co	Change of route, Sec. 13, Railroad Law	" 30
N. Y., N. H. & H. R. R. Co	Sec. 54 P. S. C. Law	Apr. 1
Syracuse, Geneva & Corning Ry Co. and Fall Brook Ry. Co	" 54 P. S. C., consolidation	" 8
Lake Champlain & Moriah R. R. Co	" 60 Railroad Law	" 22
Greenwich & Johnsonville Ry. Co	" 60 Railroad Law, withdrawn	" 26
Rochester & Manitou R. R. Co	" 4 Railroad Law	" 28
New Jersey & New York R. R. Co	" 34 Railroad Law	" 28
Malone Light & Power Co. and Sidney S. Whittelsey and Alice D. Whittelsey	Sale and transfer of plant	" 29
Geneva, Corning & Southern Ry. Co. and N. Y. C. & H. R. R. R. Co	Sec. 54 P. S. C. Law	May 12
Town of Royalton, Niagara county	" 61 Railroad Law	" 19
President and Trustees Village of Waverly	" 62 Railroad Law	" 27
Bennington & No. Adams St. Ry. Co	" 103 Railroad Law	" 27
Geneva, Waterloo, Seneca Falls & Cayuga Lk. Tr. Co	Change of name	" 27
Buffalo Natural Gas Fuel Co. and Erie County Natural Gas Fuel Co	Sec. 70 P. S. C. Law, approval of lease	June 2
Town Board of the Town of Stafford, Genesee county	Sec. 61 Railroad Law	" 3
New Jersey & New York R. R. Co	Modified Order	" 16
Village of Depew	Postponement of action under Sec. 61, Railroad Law	" 17
Erie & Jersey R. R. Co	Discontinuance of present crossing and construction of new	" 17
N. Y. C. & H. R. R. R. Co	Sec. 62 Railroad Law	" 17
N. Y. C. & H. R. R. R. Co	" 62 Railroad Law	" 17
Westchester Lighting Co	" 70 P. S. C. Law	" 22
Mutual Gas Co. (Ltd.) and Empire Gas & Fuel Co. (Ltd.)	Transfer of property rights and franchises	" 24
N. Y. C. & H. R. R. R. Co	Exchange of stock	July 8
N. Y., Auburn & Lansing R. R. Co	Sec. 68 Railroad Law, withdrawn	" 12
N. Y., Auburn & Lansing R. R. Co	" 60 Railroad Law, withdrawn	" 12
Ithaca Street Ry. Co	To acquire stock, dismissed	" 12
Newburgh Ht. Lt. & Pr. Co	Approval of contract	" 14
Pavilion Natural Gas Co	Transfer of franchises	" 20
Park Board of City of Utica	Sec. 61 of Railroad Law	" 20
H. O. Klinck	Transfer of franchise and sale of plant	" 20
N. Y., Auburn & Lansing R. R. Co	Extension of route, withdrawn	" 29
Lehigh Val. R. R. Co	Discontinuance of station and approval of new station at Freeville	Aug. 3
Syracuse Rap. Transit Ry. Co. and Syracuse Suburban R. R. Co	Approval of contract	" 11

TABLE Showing sundry applications not elsewhere mentioned, miscellaneous (*concluded*):

Name of applicant.	Nature of application.	1909 Decided.
Mayor and Common Council City of Utica..	Sec. 62 of Railroad Law, amended order	Aug. 12
Plattsburgh Lt. Ht. & Pr. Co. and Lozier Lt. & Pr. Co	Consolidation	" 12
Dexter & Northern R. R. Co	Sec. 60 of Railroad Law	" 12
Huntington R. R. Co	" 68 of Railroad Law	" 23
First National Bank of Wellsville	Sale and transfer of interests in the Angola Gas Co	" 23
Rochester Ry. Co	Sec. 68 Railroad Law	" 23
Mayor and Common Council of the City of Niagara Falls	" 62 Railroad Law, denied	" 24
Central New England Ry. Co	" 62 Railroad Law, withdrawn	Sept. 9
Central New England Ry. Co	" 62 Railroad Law	" 9
Central New England Ry. Co	" 62 of Railroad Law, withdrawn	" 9
Central New England Ry. Co	" 62 of Railroad Law, withdrawn	" 9
Central New England Ry. Co	" 62 of Railroad Law	" 9
Central New England Ry. Co	" 70 of Railroad Law	" 13
Hudson Valley Ry. Co	" 103 of Railroad Law	" 13
Capitol Ry. and United Traction Co	Approval of lease	" 16
Colonie Electric Co. and Municipal Gas Co..	Transfer of works and system of the Colonie Company	" 22
Nassau Light & Power Co	Merger	Oct. 6
Albany Southern R. R. Co. and East Albany Gas Light Co	Transfer of works, plant, and property	" 7
John F. Rogers and John H. Hank, Commissioners of Highways of the town of Colchester, Delaware county	Sec. 61 of Railroad Law, dismissed.	" 7
Arthur L. Donaldson, Patrick K. McMann, Samuel W. Chambers, Royal S. Chambers and Edward E. Chambers	Transfer of electric light plant	" 11
N. Y. C. & H. R. R. R. Co	Discontinuance of station	" 12
N. Y. C. & H. R. R. R. Co	Discontinuance of station	Nov. 12
Niagara, Lockport & Ontario Power Co. and Buffalo, Lockport & Roch. Ry. Co	Approval of contract	" 15
N. Y. C. & H. R. R. R. Co	Discontinuance of station	" 16
N. Y. C. & H. R. R. R. Co	Discontinuance of station	" 16
Terminal Ry. of Buffalo	Amending Order of Board of R. R. Commissioners	" 16
Terminal Ry. of Buffalo	Amending Order of Board of R. R. Commissioners	" 18
Archibald A. Cabaniss, commanding officer of Fort Ontario	Amending Order of Board of R. R. Commissioners, denied	" 18
Oswego Dock & Land Co	Reopening of grade crossing, denied.	" 18
N. Y., O. & W. Ry. Co	Reopening of grade crossing case, denied	" 18
City of Oswego	Reopening of grade crossing, denied.	" 18
Glenfield & Western R. R. Co	Cease operations from Jan. 10, 1910, to April 30, 1910	" 29
N. Y. C. & H. R. R. R. Co	Acquire 4208 1-3 shares capital stock of N. Y., N. H. & H. R. R. Co	" 29
Genesee River R. R. Co	Sec. 60 of Railroad Law	Dec. 1
Village of Medina	" 61 of Railroad Law	" 1
Lydia A. Marvin and Jennie R. McEwen	Transfer of plant, etc	" 7
Central New England Ry. Co	Discontinuance of station	" 14
N. Y., W. & B. Ry. Co. and N. Y. & Port Chester R. R. Co	Consolidation and abandonment of portion of route	" 16
Cent. New England Ry. Co	Approval of plans to change overhead highway bridge	" 22
Union Ry. Co. of N.Y. City and Frederick W. Whitridge, Receiver, and The Westchester El. R. R. Co. and J. Addison Young, Receiver	Approval of agreement	" 23
Village of Waterford	To compel Troy Gas Co. to furnish gas to residents of Waterford, closed on record	" 28

NON-DIVIDEND PAYING STOCKS

There is submitted as an appendix to this report a series of eight tables showing for (1) electric railroad corporations; (2) electrical corporations having gross revenues of $25,000 and upwards per annum; (3) electrical corporations having gross revenues under $25,000 per annum; (4) gas corporations having gross revenues of $25,000 and upwards per annum; (5) gas corporations having gross revenues under $25,000 per annum; (6) combined electrical and gas corporations having gross revenues of $25,000 and upwards per annum; (7) combined electrical and gas corporations having gross revenues under $25,000 per annum; (8) combined electric railroad and electrical or gas corporations, the following for each corporation:

a. Amount of common stock outstanding;
b. Amount of preferred stock outstanding;
c. Total capital stock outstanding;
d. Amount of dividends paid on common stock;
e. Rate per cent of dividends on common stock;
f. Amount of dividends paid on preferred stock;
g. Rate per cent of dividends on preferred stock.

The figures presented are for electric railroads for the fiscal year ended June 30, 1909, and for electrical corporations and gas corporations for the fiscal year ended December 31, 1908.

The following table is a summary and classification of such tables showing for each class: (1) total number of corporations; (2) number paying no dividends on common stock; (3) amount of common stock paying no dividends; (4) number paying no dividends on preferred stock; (5) amount of preferred stock paying no dividends; (6) total number paying no dividends; (7) number paying dividends on common stock; (8) amount of common stock paying dividends; (9) number paying dividends on preferred stock; (10) amount of preferred stock paying dividends; (11) total number paying dividends:

	Total number companies.	Number paying no dividends on common stock.	Amount of common stock paying no dividends.	Number paying no dividends on preferred stock.	Amount of preferred stock paying no dividends.	Total number paying no dividends.	Number paying dividends on common stock.	Amount of common stock paying dividends.	Number paying dividends on preferred stock.	Amount of preferred stock paying dividends.	Total number paying dividends.
Electric railroads	68	60	$68,084,300	8	$7,570,000	57	8	$27,649,449	6	$13,032,372	11
Electrical corporations gross revenues $25,000 and over	35	25	24,551,200	1	2,000,000	24	10	8,528,000	3	305,900	11
Electrical corporations gross revenues under $25,000	120	94	4,098,230	....	.....	94	26	870,600	....	.....	26
Gas corporations gross revenues $25,000 and over	13	10	8,949,500	2	1,867,000	9	3	1,027,500	1	205,000	4
Gas corporations gross revenues under $25,000	24	20	1,163,200	....	.....	20	4	303,525	....	.....	4
Combined electrical and gas corporations gross revenues $25,000 and over	28	17	16,439,300	4	2,880,400	17	11	14,724,000	3	4,097,800	11
Combined electrical and gas corporations gross revenues under $25,000	14	10	695,800	....	.....	10	4	256,000	....	.....	4
Combined electric railroads and electrical or gas corporations	8	7	2,975,000	1	1,000,000	6	1	500,000	2	820,000	2
	310	243	$126,956,530	16	$15,317,400	237	67	$53,859,074	15	$18,461,072	73

The corporations named in these tables are, with one or two minor exceptions for which correct figures are not available, all the corporations of the classes named operating in the Second Public Service District during the periods covered, and the figures are compiled from their annual reports. The following is a presentation of the various totals set forth in the table:

Total number of corporations, all classes	310
Total number paying no dividends	237
Total number paying dividends	73
Total number paying no dividends on common stock	243
Total number paying no dividends on preferred stock	16
Total number paying dividends on common stock	67
Total number paying dividends on preferred stock	15
Amount of common stock paying no dividends	$126,956,530
Amount of common stock paying dividends	53,859,074
Amount of preferred stock paying no dividends	15,317,400
Amount of preferred stock paying dividends	18,461,072

The very remarkable showing made by these tables and summaries demands but little comment from the Commission at this time. Attention should, however, be directed to the fact that they have no wide range of use except by way of suggestion for investigation. The significance of the facts which they disclose depends wholly upon the further fact not disclosed whether these stocks represent actual cash investment in the properties of the several corporations or whether they are lacking in that particular characteristic.

It is common belief that the plants of the public service corporations included in these tables have been constructed, as a rule, upon the bond issues, and that the common stock, at least, is representative only of hopes entertained. The precise truth with regard to so many corporations, many of which are the product of reorganization, it is difficult, if not impossible, to ascertain. The intervention of construction companies to which a lump amount of stock and bonds have been issued for construction, makes a clear showing of what has been paid for with stock and what with bonds, or how much has been realized for the stock, impossible.

The general fact is believed to be beyond dispute, although it may not be susceptible of legal proof in many cases, that in

launching public service corporations prior to the regulation of capitalization by the State, it has been thought that capital could not be enlisted without the aid of large bonuses in the form of stock upon which returns could be had either by way of dividends or by sale to those seeking an investment. It has been feared, unquestionably, that the regulation of capitalization by the State and insistence by the Commission upon the law, that capital stock should be issued only for full par value in money, property, or services, would hinder, if not prevent, the further growth of such corporations by making them unattractive as business enterprises. Upon this point certain observations seem pertinent.

If the stock of non-dividend paying corporations represents no actual investment of money, and was in its inception issued merely as a bonus or gratuity in connection with the promotion of the enterprises upon the expectation that it would yield profits and thus become of substantial value, the table demonstrates the fatuity of any such expectation.

If the stock was a bonus or gratuity to those to whom it was issued, but has been transferred to holders, for a valuable consideration, who made the purchase as an investment, the table is a warning against dealings in stocks issued for no value, representing no property, and having no prospect of a return except from unreasonable charges.

If the stock represents actual investment, then there is grave reason to consider what is wrong in the condition of public service corporations in this State that they can not earn returns upon such enormous sums of money invested in them.

Any system of law which permits uninstructed investors to place their money in stocks of public service corporations which either ought not to or can not yield any return, and which, in fact, are nonproductive, is distinctly injurious to the noninvesting as well as the investing public. Eventually capital will learn by experience the actual results of such financing and will carefully avoid enterprises thus handled.

The value of the tables presented lies in their conclusive demonstration that, broadly speaking and taking the corporations included as a class, such corporations have either been financed by

methods which the event has shown to be disastrous or they are now operating under conditions which need careful investigation.

All of which is respectfully submitted.

Dated January 10, 1910.

FRANK W. STEVENS.
THOMAS M. OSBORNE.
MARTIN S. DECKER.
JAMES E. SAGUE.
JOHN B. OLMSTED.

APPENDIX A

Dividend and Non-dividend Paying Stocks of Operating Street Railroad Corporations, Electrical Corporations, and Gas Corporations.

TABLE 1: ELECTRIC RAILROADS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Street Railroad Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1909. Dividend paying stocks are printed in black face type.

Name of corporation.	Stocks outstanding June 30, 1909.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Adirondack Lakes' Traction Co	60,000	.....	60,000	.....	.....	.....	.....
Auburn & Northern Electric R. R	200,000	200,000	400,000	.....	.....	.....	.....
Auburn & Syracuse Electric R. R. Co	1,250,000	700,000	1,950,000	.....	.....	42,000	6
Babylon Railroad Co	25,000	.....	25,000	.....	.....	.....	.....
Bennington & North Adams Street Ry. Co	650,000	.....	650,000	.....	.....	.....	.....
Binghamton Railway Co	.....	.....	.....	.....	.....	.....	.....
Black River Traction Co	105,000	.....	105,000	.....	.....	.....	.....
Buffalo & Depew Railway Co	305,000	.....	305,000	.....	.....	.....	.....
Buffalo & Lake Erie Traction Co	5,000,000	2,500,000	7,500,000	.....	.....	.....	.....
Buffalo & Williamsville Electric Ry	75,000	.....	75,000	.....	.....	.....	.....
Buffalo, Lockport & Rochester Ry. Co	4,000,000	.....	4,000,000	.....	.....	.....	.....
Buffalo Southern Ry	547,200	.....	547,200	.....	.....	.....	.....
Catskill Electric Ry. Co	138,000	.....	138,000	.....	.....	.....	.....
Chautauqua Traction Co	500,000	.....	500,000	.....	.....	.....	.....
Cohoes Railway Co	120,000	.....	120,000	4,800	4	.....	.....
Corning & Painted Post Street Ry	100,000	.....	100,000	.....	.....	.....	.....
Crosstown Street Ry. Co. of Buffalo	2,860,000	.....	2,860,000	.....	.....	.....	.....
Eastern New York Railroad Co	300,000	.....	300,000	.....	.....	.....	.....
Electric City Ry. Co	80,000	.....	80,000	.....	.....	.....	.....
Elmira & Seneca Lake Traction Co	200,000	.....	200,000	.....	.....	.....	.....
Elmira, Corning & Waverly Ry. Co	336,900	.....	336,900	.....	.....	.....	.....
Fishkill Electric Ry. Co	50,000	.....	50,000	.....	.....	.....	.....
Geneva, Waterloo, Seneca Falls & Cayuga Lake Trac. Co	350,000	100,000	450,000	.....	.....	4,500	4
Glen Cove Railroad Co	10,000	.....	10,000	.....	.....	.....	.....
Great South Bay Ferry Co	50,000	.....	50,000	.....	.....	.....	.....
Hornellsville & Canisteo Ry. Co	50,000	.....	50,000	.....	.....	.....	.....
Hornellsville Electric Ry. Co	50,000	.....	50,000	.....	.....	.....	.....
Hudson River & Eastern Traction Co	84,000	.....	84,000	.....	.....	.....	.....
Hudson Valley Railway Co	2,970,700	.....	2,970,700	.....	.....	.....	.....
Huntington Railroad Co	30,000	.....	30,000	.....	.....	.....	.....
International Railway Co	16,320,500	.....	16,320,500	652,820	4	.....	.....
Ithaca Street Railway Co	325,000	.....	325,000	13,000	4	.....	.....
Jamestown Street Ry. Co	100,000	.....	100,000	.....	.....	.....	.....

TABLE 1: ELECTRIC RAILROADS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Street Railroad Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1909. Dividend paying stocks are printed in **black face type** (*continued*).

Name of corporation.	Stocks outstanding June 30, 1909.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Keeseville, Ausable Chasm & Lake Champlain R. R. Co	.....	.....	.....	.....	.....	.....	.....
Kingston Consolidated R. R. Co	200,000	200,000	400,000	.....	.....	4,000	4
Nassau County Railway Co	35,000	.....	35,000	.....	.....	.....	.....
Newark & Marion Railway Co	100,000	.....	100,000	.....	.....	.....	.....
New Paltz, Highland & Poughkeepsie Traction Co	100,000	.....	100,000	.....	.....	.....	.....
New York & North Shore Traction Co	150,000	.....	150,000	.....	.....	.....	.....
New York & Stamford Ry. Co	500,000	.....	500,000	.....	.....	.....	.....
New York & Stamford Ry. Co	500,000	.....	500,000	.....	.....	.....	.....
New York State Railways	14,177,700	{ 3,862,500	.....	.....	.....	48,023	1.25
Rochester & Eastern Rapid Ry. Co		{ 4,500,000	22,540,200	.....	.....	56,125	1.25
Rochester Railway Co	.....	.....	.....	305,804	2	.....	.....
Niagara Gorge Railroad Co	.....	.....	.....	90,000	3	112,500	3.75
Northport Traction Co	1,000,000	.....	1,000,000	20,000	2	.....	.....
Ogdensburg Street Ry. Co	45,000	.....	45,000	.....	.....	.....	.....
Oneida Railway Co	150,000	.....	150,000	.....	.....	.....	.....
Oneonta & Mohawk Valley R. R. Co	1,923,000	.....	1,923,000	.....	.....	.....	.....
Orange County Traction Co	1,800,000	.....	1,800,000	.....	.....	.....	.....
Oswego Traction Co	150,000	175,000	325,000	.....	.....	.....	.....
Penn Yan, Keuka Park & Branchport Ry. Co	200,000	100,000	300,000	.....	.....	.....	.....
Plattsburgh Traction Co	94,000	.....	94,000	.....	.....	.....	.....
Poughkeepsie City & Wappingers Falls Electric Ry. Co	100,000	.....	100,000	.....	.....	.....	.....
Putnam & Westchester Traction Co	750,000	.....	750,000	.....	.....	.....	.....
Rochester & Manitou R. R. Co	75,000	.....	75,000	.....	.....	.....	.....
Rochester, Syracuse & Eastern R. R. Co	60,000	.....	60,000	.....	.....	.....	.....
Schenectady Railway Co	4,750,000	2,295,000	7,045,000	.....	.....	.....	.....
Syracuse & South Bay Electric R. R. Co	4,100,000	.....	4,100,000	82,000	2	.....	.....
Syracuse & Suburban R. R. Co	700,000	300,000	1,000,000	.....	.....	.....	.....
Syracuse, Lake Shore & Northern R. R. Co	400,000	.....	400,000	.....	.....	.....	.....
Syracuse Rapid Transit Ry. Co	1,975,000	1,000,000	2,975,000	.....	.....	.....	.....
Tarrytown, White Plains & Mamaroneck Ry. Co	2,748,200	1,169,872	3,918,072	82,443	3	70,188	6
Troy & New England Ry. Co	300,000	.....	300,000	.....	.....	.....	.....
United Traction Co	180,000	.....	180,000	.....	.....	.....	.....
Utica & Mohawk Valley Ry. Co	12,500,000	.....	12,500,000	750,000	6	.....	.....
	5,000,000	2,500,000	7,500,000	400,000	8	125,000	5

TABLE 1: ELECTRIC RAILROADS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Street Railroad Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1909. Dividend paying stocks are printed in black face type *(concluded)*.

Name of corporation.	Stocks outstanding June 30, 1909.			Dividends			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Wallkill Transit Co	.....	.....	.....	.....	.....	.....	.....
Warren & Jamestown Street Ry. Co	200,000	.....	200,000	12,000	6	.....	.....
Waverly, Sayre & Athens Traction Co	200,000	.....	200,000	.....	.....	.....	.....
Westchester Electric R. R. Co	500,000	.....	500,000	.....	.....	.....	.....
Western New York & Pennsylvania Traction Co	1,000,000	1,000,000	2,000,000	.....	.....	.....	.....
Yonkers Railroad Co	1,000,000	.....	1,000,000	.....	.....	.....	.....
Total dividend paying stocks	27,649,449	13,032,372	40,681,821	.....	.....	.....	.....
Total non-dividend paying stocks	68,084,300	7,570,000	75,654,300	.....	.....	.....	.....
Total	95,733,749	20,602,372	116,336,121	2,437,193	.....	462,336	.....

TABLE 2: ELECTRICAL CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1908. Dividend paying stocks are printed in black face type. Corporations are named in the order of their gross annual operating revenues during the year 1908.

Name of corporation.	Stocks outstanding December 31, 1908.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Niagara Falls Power Company	4,197,500	.....	4,197,500	.....	.....	.....	.....
Cataract Power & Conduit Co	2,000,000	.....	2,000,000	120,000	6	.....	.....
Buffalo General Electric Co	3,724,000	.....	3,724,000	[1] 279,300	[1] 6	.....	.....
Niagara, Lockport & Ontario Power Co	2,001,000	2,000,000	4,001,000	.....	.....	.....	.....
Hudson River Water Power Co	5,000,000	.....	5,000,000	.....	.....	.....	.....
Schenectady Illuminating Co	80,000	.....	80,000	.....	.....	.....	.....
Niagara Falls Hydraulic Power & Manufacturing Co	500,000	.....	500,000	.....	[2] 6	.....	.....
Hudson River Electric Co	3,000,000	.....	3,000,000	.....	.....	.....	.....
Nassau Light & Power Co	969,000	.....	969,000	19,380	2	.....	.....
Yonkers Electric Light & Power Co	200,000	.....	200,000	.....	.....	.....	.....
Buffalo & Niagara Falls Electric Light & Power Co	600,000	.....	600,000	45,000	7.5	.....	.....
Hudson River Electric Power Co	5,794,700	.....	5,794,700	.....	.....	.....	.....
Hudson River Power Transmission Co	750,000	.....	750,000	.....	.....	.....	.....
Binghamton Light, Heat & Power Co	500,000	150,000	650,000	22,500	4.5	11,250	7.5
Auburn Light, Heat & Power Co	300,000	.....	300,000	.....	.....	.....	.....
Tonawanda Power Company	250,000	.....	250,000	.....	.....	.....	.....
Watertown Light & Power Co	302,500	.....	302,500	39,687	13	.....	.....
Ithaca Electric Light & Power Co	200,000	100,000	300,000	4,000	2	7,000	7
Geneva-Seneca Electric Co	100,000	.....	100,000	.....	.....	.....	.....
Empire State Power Co	1,000,000	.....	1,000,000	.....	.....	.....	.....
Hornell Electric Company	82,500	.....	82,500	5,775	7	.....	.....
Rockland Electric Company	230,000	.....	230,000	.....	.....	.....	.....
Edison Electric Light & Power Co. of Amsterdam	23,000	.....	23,000	.....	.....	.....	.....
Fulton Light, Heat & Power Co	150,000	[3] 55,900	205,900	.....	.....	[3] 2,925	[3] 6
Ogdensburg Power & Light Co	50,000	.....	50,000	.....	.....	.....	.....
Swett Electric Light & Power Co., A. L	300,000	.....	300,000	.....	.....	.....	.....
Ontario Light & Traction Co	100,000	.....	100,000	.....	.....	.....	.....
New Light, Heat & Power Co	40,000	.....	40,000	.....	.....	.....	.....
Jamestown Lighting & Power Co	100,000	.....	100,000	.....	.....	.....	.....
Carthage Electric Light & Power Co	75,000	.....	75,000	7,500	10	.....	.....

[1] "Amount Declared" does not agree with "Amount Paid". [2] 6 per cent dividend declared but none paid. [3] The discrepancy which exists when the "Amount Paid" and "Rate Declared" are compared with the "Outstanding stock" was not satisfactorily explained by the company.

TABLE 2: ELECTRICAL CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1908. Dividend paying stocks are printed in black face type. Corporations are named in the order of their gross annual operating revenues during the year 1908 (*concluded*).

Name of corporation.	Stocks outstanding December 31, 1908.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Economic Power & Construction Co	50,000	.....	50,000	.....	.....	.....	.....
Consolidated Electric Co	75,000	.....	75,000	7,500	10	.....	.....
Wayne County Electric Co	100,000	.....	100,000	.....	.....	.....	.....
Ballston Spa Light & Power Co	35,000	.....	35,000	.....	.....	.....	.....
East Creek Electric Light & Power Co	200,000	.....	200,000	.....	.....	.....	.....
Total dividend paying stocks	8,528,000	305,900	8,833,900	.....	.....	.....	.....
Total non-dividend paying stocks	24,551,200	2,000,000	26,551,200	.....	.....	.....	.....
Total	33,079,200	2,305,900	35,385,100	550,642	.....	21,175	.....

TABLE 3: ELECTRICAL CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1908. Dividend paying stocks are printed in black face type.

Name of corporation.	Stocks outstanding December 31, 1908.	Dividends.	
		Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Per cent.*
Adams Electric Light Company	10,000	.....	.....
Addison Electric Light & Power Co	23,000	.....	.....
Amityville Electric Light Co	20,000	1,200 00	6
Atlantic Light & Power Co	25,000	.....	.....
Ausable Valley Light, Heat & Power Co.[1]	.....	.....	.....
Avon Electric Co	18,000	.....	.....
Babylon Electric Light Co.[2]	45,000	1,800 00	6
Berlin Electric Light, Heat & Power Co	11,900	.....	.....
Boquet Electric Power Co	[3] 19,950	.....	.....
Buttermilk Falls Electric Co	15,000	.....	.....
Broadalbin Electric Light & Power Co	16,400	.....	.....
Cairo Electric Light & Power Co	80,000	.....	.....
Canton Electric Light & Power Co	[4] 38,000	1,880 00	5
Cattaraugus Electric Light & Power Co	12,000	600 00	5
Cazenovia Electric Light Co	22,000	.....	.....
Champlain Electric Co	7,500	.....	.....
Chasm Power Co	32,800	.....	.....
Chatham Electric Light, Heat & Power Co	27,500	.....	.....
Citizens Light & Power Company, Auburn, N. Y	250,000	.....	.....
Citizens Lighting Co. of Oswego, N. Y	53,000	.....	.....
Clinton Mills Power Co	10,000	.....	.....
Cold Spring Light, Heat & Power Co	15,000	.....	.....
College Hill Electric Co.[5]	.....	.....	.....
Colonie Electric Co	10,000	.....	.....
Consolidated Light & Power Co	75,000	.....	.....
Courter Electric Co	15,000	.....	.....
Delaware & Otsego Light & Power Co	20,000	.....	.....
Delhi Electric Co	30,000	.....	.....
Deposit Electric Co	74,000	1,554 00	[6] 3
Despatch Heat, Light and Power Co	400,000	.....	.....
Dexter Electric Light and Power Co.[7]	.....	.....	.....
Dunkirk Power & Heating Co	50,000	.....	.....
Dutchess Light, Heat & Power Co. of Rhinebeck, N. Y	52,000	.....	.....
Earlville Electric Light Co	10,000	.....	.....
East Aurora Electric Light Co	20,000	.....	.....
Eastern Monroe Electric Light & Gas Co	250,000	.....	.....
East Hamilton Electric Light Co	47,800	.....	.....
Electric Light Co. of New Paltz	20,000	500 00	2.5
Ellenville Electric Co	30,000	.....	.....
Ellicottville Electric Light Co.[5]	.....	.....	.....
Empire Electric Co	12,500	2,062 50	16.5
Fair Haven Electric Co	5,000	.....	.....
Fisher's Island Electric Light, Heat & Power Co	15,000	.....	.....
Floral Park Light & Power Co	24,000	.....	.....
Fort Covington Light, Heat & Power Co	12,000	.....	.....
Franklin Springs Electric Light Co	5,000	.....	.....
Fulton Chain Electric Co	5,000	.....	.....
Genesee County Electric Light, Power & Gas Co	100,000	.....	.....
Genesee Valley Power Co	25,000	.....	.....
Glen Cove Light & Power Co	15,000	900 00	6
Goshen Light & Power Co	15,000	.....	.....
Great Bear Light & Power Co	20,000	.....	.....
Hallett Light & Power Co	3,500	.....	.....
Hammondsport Electric Light Co	10,000	.....	.....
Harrisville Electric Light & Power Co	7,900	.....	.....
Hermon Electric Light Co.[1]	.....	.....	.....
Hudson Counties Gas & Electric Co	100,000	.....	.....
Huntington Light & Power Co	51,300	.....	.....
Jordan Electric Light & Power Co	10,000	.....	.....
Kanes Falls Electric Co	25,000	.....	.....
Katonah Lighting Co	24,600	.....	.....
Keeseville Electric Co	30,000	1,800 00	6
Keyes Electric Co	4,000	.....	.....

[1] Operating, but no capital stock issued. [2] 3 per cent on $15,000, and 3 per cent on $45,000; $30,000 issued during year. [3] $9,970 of this is preferred stock. [4] No dividend declared on 4 shares. [5] 1908 report not received. [6] $2220 declared. [7] Incorporated June 5, 1906, and now operating, but no stock yet issued.

TABLE 3: ELECTRICAL CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1908. Dividend paying stocks are printed in black face type (*continued*).

Name of corporation.	Stocks outstanding December 31, 1908.	Dividends.	
		Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Per cent.*
Lakewood Electric Light & Power Co	20,000	.....	.....
Liberty Light & Power Co	25,000	.....	.....
Livingston Manor Electric Co	18,800	.....	.....
Lozier Light & Power Co	100,000	.....	.....
Massena Electric Light & Power Co	50,000	2,000 00	4
Mechanicville Electric Light & Gas Co	5,000	.....	.....
Mexico Electric Co	5,000	.....	.....
Middleburgh & Schoharie Electric Light, Heat & Power Co	40,000	800 00	2
Middleville Electric Light Co	8,700	.....	.....
Millerton Electric Light Co	7,500	.....	.....
Montgomery Electric Light & Power Co	21,000	.....	.....
Montour Falls Electric Light Co	10,000	.....	.....
Moravia Electric Light, Heat & Power Co	20,000	.....	.....
Morgan & Wyman Electric Light & Power Co	6,000	180 00	3
Mount Morris Illuminating Co	9,000	540 00	6
Murray Electric Light & Power Co	20,000	.....	.....
New Berlin Light & Power Co	10,000	.....	.....
Newfane Electric Co	800	.....	.....
Newport Electric Light & Power Co.[5]	.....	.....	.....
New York & Ontario Power Co	150,000	.....	.....
Northern Power Co.[5]	.....	.....	.....
Northport Electric Light Co	30,000	1,800 00	6
Norwood Electric Light & Power Co	5,000	.....	.....
Olean Electric Light & Power Co	35,000	2,100 00	6
Orange & Rockland Electric Co	68,600	2,411 00	[8] 5
Orange County Power Co	26,500	.....	.....
Oswegatchie Light & Power Co	60,000	.....	.....
Oswego River Power Transmission Co	20,000	.....	.....
Ovid Electric Co	10,000	.....	.....
Oswego Light & Power Co	60,000	1,800 00	3
Oxford Electric Light Co	10,000	.....	.....
Oyster Bay Electric Light & Power Co	35,000	.....	.....
Panama Power Co	4,000	.....	.....
Patchogue Electric Light Co	40,000	.....	.....
Peoples Electric Light & Power Co	17,850	.....	.....
Perry Electric Light Co	9,000	.....	.....
Port Henry Light, Heat and Power Co.[1]	.....	.....	.....
Port Jefferson Electric Light Co	7,500	450 00	6
Potsdam Electric Light and Power Co.[5]	.....	.....	.....
Pulaski Electric Light Co	9,000	540 00	6
Red Hook Light & Power Co.[5]	.....	.....	.....
Richfield Springs Electric Light & Power Co	20,000	800 00	4
Riverhead Electric Light Co	7,500	.....	.....
St. Regis Light & Power Co	50,000	2,000 00	4
Salem Light, Heat & Power Co.[5]	.....	.....	.....
Sayre Electric Co	[9] 250,000	5,157 00	6
Sayville Electric Co	30,000	2,100 00	7
Schenectady Power Co	130,900	.....	.....
Schenevus Electric Light & Power Co	6,000	.....	.....
Scottsville Electric Light & Gas Co	20,000	.....	.....
Seneca River Power Co	100,000	.....	.....
Sherman Electric Light Co	9,000	450 00	5
Sodus Gas & Electric Light Co	41,100	.....	.....
Standard Light, Heat & Power Co	60,000	.....	.....
Suburban Power Co	10,000	.....	.....
Suffolk Light, Heat & Power Co	40,000	1,600 00	4
Thousand Island Electric Light & Power Co	25,000	.....	.....
Ticonderoga Electric Light & Power Co	16,000	.....	.....
Ulster Electric Light, Heat & Power Co	30,000	.....	.....
Union Electric Co.[1]	.....	.....	.....
Upper Hudson Electric Co	145,000	.....	.....

[1] Operating, but no capital stock issued. [5] 1908 report not received. [8] Rate does not agree with Amount Declared. [9] Includes $100,000 of preferred stock on which 6 per cent dividends were paid; preferred stock was increased from $75,000 to $100,000; dividends paid on various amounts from $75,000 to $100,000.

TABLE 3: ELECTRICAL CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Electrical Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for fiscal year ended December 31, 1908. Dividend paying stocks are printed in black face type (*concluded*).

Name of corporation.	Stocks outstanding December 31, 1908.	Dividends.	
		Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Per cent.*
Wallkill Valley Electric Light & Power Co	3,430	.....	.....
Walton Electric Light Co	20,000	.....	.....
Warwick Valley Light & Power Co	25,000	.....	.....
Waterford Electric Light, Heat & Power Co	500,000	.....	.....
Weedsport Electric Light Co	15,000	.....	.....
Wellsville Electric Light & Power Co	20,000	.....	.....
West Branch Light & Power Co	5,000	.....	.....
Wetmore Electric Co	40,000	6,000 00	15
Yates Electric Light & Power Co.[5]	.....	.....	.....
Total dividend paying stocks	870,600	.....	.....
Total non-dividend paying stocks	4,098,230	.....	.....
Total	4,968,830	43,042 50	.....

[5] 1908 report not received.

TABLE 4: COAL GAS AND WATER GAS CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Coal Gas and Water Gas Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1908. Dividend paying stocks are printed in black face type. Corporations are named in the order of their gross annual operating revenues during the year 1908.

Name of corporation.	Stocks outstanding December 31, 1908.			Dividends.			
				Common stock.		Preferred stock.	
	Common	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Buffalo Gas Co	7,000,000	1,713,000	8,713,000	.....	.....	.....	.....
Binghamton Gas Works	[1] 750,000	.....	750,000	[1] 46,468	[1] 10.3	.....	.....
Mohawk Gas Co. of Schenectady	290,000	154,000	444,000	.....	.....	.....	.....
Watertown Gas Light Co	[1] 152,500	.....	152,500	[1] 27,000	[1] 27	.....	.....
Auburn Gas Company	395,000	205,000	500,000	.....	.....	3,075	1.5
Nassau & Suffolk Lighting Co	500,000	.....	500,000	.....	.....	.....	.....
Chuctanunda Gas Light Co	125,000	.....	125,000	12,500	10	.....	.....
Ithaca Gas Light Company	200,000	.....	200,000	.....	.....	.....	.....
Inter-Urban Gas Co	10,000	.....	10,000	.....	.....	.....	.....
Homer & Cortland Gas Light Co	100,000	.....	100,000	.....	.....	.....	.....
Fulton Fuel & Light Co	125,000	.....	125,000	.....	.....	.....	.....
Seneca Falls & Waterloo Gas Light Co	80,000	.....	80,000	.....	.....	.....	.....
Niagara Light, Heat & Power Co	249,500	.....	249,500	.....	.....	.....	.....
Total dividend paying stocks	1,027,500	205,000	1,232,000	.....	.....	.....	.....
Total non-dividend paying stocks	8,949,500	1,867,000	10,816,500	.....	.....	.....	.....
Total	9,977,000	2,072,000	12,049,000	85,968	.....	3,075	.....

[1] The discrepancy which appears to exist when the "Amount Paid" and "Rate Declared" are compared with the "Outstanding Stock" is due to an increase of the "Outstanding Stock" since the dividend was declared.

TABLE 5: COAL GAS AND WATER GAS CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Coal Gas and Water Gas Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1908. Dividend paying stocks are printed in black face type.

Name of corporation.	Stocks outstanding December 31, 1908.	Dividends.	
		Amount paid.	Rate declared.
	Dollars.	*Dollars*	*Per Cent.*
Brockport Gas Light Co	25,000	.....	.....
Canandaigua Gas Light Co	50,000	.....	.....
Citizens Gas & Fuel Co. of Dunkirk	200,000	.....	.....
Cooperstown Gas Co	6,150	.....	.....
Fidelity Gas Co. of Hoosick Falls, N. Y.	75,000	.....	.....
Fredonia Natural Gas Light Co	40,000	.....	.....
Gas Light Co. of Waverly	150,000	7,500	5
Goshen Illuminating Co	15,000	.....	.....
Huntington Gas Co	60,000	.....	.....
Lyons Gas Light Co	30,000	.....	.....
Medina Gas Co	40,000	.....	.....
Nassau Gas Construction Co	15,000	.....	.....
Newark (N. Y.) Gas Light & Fuel Co	50,000	.....	.....
Ogdensburg Gas Co	100,000	[1] 2,976	.....
Oswego Gas Light Co	60,000	.....	.....
Patchogue Gas Co	150,000	.....	.....
Penn Yan Gas Light Co	24,750	.....	.....
Port Henry Gas Co	6,800	.....	.....
Sag Harbor Lighting Co	12,000	1,200	6
Saugerties Gas Light Co	41,525	960	[2] 3
Sea Cliff & Glen Cove Gas Co	150,000	.....	.....
Suffern Gas Co	100,000	.....	.....
Watkins Illuminating & Power Co	50,000	.....	.....
West Shore Gas Co	15,500	.....	.....
Total dividend paying stocks	303,525	.....	.....
Total non-dividend paying stocks	1,163,200	.....	.....
Total	1,466,725	12,636	.....

[1] Rate not declared; division of accumulated profits. [2] Dividend is on $32,000 issue increased during year.

TABLE 6: COMBINED ELECTRICAL AND GAS CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Combined Electrical and Gas Corporations whose gross revenues are $25,000 or more, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1908. Dividend paying stocks are printed in black face type. Corporations are named in the order of their gross annual operating revenues during the year 1908.

Name of corporation.	Stocks outstanding December 31, 1908.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Rochester Ry. & Light Co	6,499,000	2,997,800	9,496,800	[1] 324,910	[1] 8	149,890	5
Westchester Lighting Co	10,000,000	2,500,000	12,500,000	.....	.....	.....	.....
Syracuse Lighting Co	3,000,000	1,000,000	4,000,000	67,500	2.25	50,000	5
Municipal Gas Co	2,000,000	.....	2,000,000	200,000	10	.....	.....
Utica Gas & Electric Co	2,000,000	.....	2,000,000	.....	.....	.....	.....
Troy Gas Co	1,000,000	.....	1,000,000	80,000	8	.....	.....
Poughkeepsie Light, Heat & Power Co	500,000	.....	500,000	20,000	4	.....	.....
Fulton County Gas & Electric Co	1,030,000	.....	1,030,000	.....	.....	.....	.....
Newburgh Light, Heat & Power Co	500,000	.....	500,000	20,000	4	.....	.....
Lockport Light, Heat & Power Co	150,000	.....	150,000	7,500	5	.....	.....
Kingston Gas & Electric Co	700,000	.....	700,000	3,692	0.527	.....	.....
Rockland Light & Power Co	225,000	100,000	325,000	4,800	3	6,000	6
Rome Gas, Electric Light & Power Co	400,000	.....	400,000	.....	.....	.....	.....
Northern Westchester Lighting Co	804,000	.....	804,000	.....	.....	.....	.....
Saratoga Gas, Electric Light & Power Co	30,400	180,400	210,800	.....	.....	.....	.....
Peoples Gas & Electric Co. of Oswego	450,000	.....	450,000	.....	.....	.....	.....
Cohoes Gas Light Co	50,000	.....	50,000	5,000	10	.....	.....
Orange County Lighting Co	100,000	.....	100,000	.....	.....	.....	.....
Glens Falls Gas & Electric Light Co	190,000	.....	190,000	.....	.....	.....	.....
Plattsburgh Light, Heat & Power Co	125,000	100,000	225,000	.....	.....	.....	.....
Southern Dutchess Gas & Electric Co	15,000	.....	15,000	.....	.....	.....	.....
Corning Gas & Electric Co	350,000	.....	350,000	.....	.....	.....	.....
Madison County Gas & Electric Co	200,000	100,000	300,000	.....	.....	.....	.....
Albion Power Co	194,900	.....	194,900	.....	.....	.....	.....
Niagara Falls Gas & Electric Light Co	150,000	.....	150,000	.....	.....	.....	.....
United Gas Electric Light & Fuel Co	200,000	.....	200,000	.....	.....	.....	.....
Malone Light & Power Co	100,000	.....	100,000	3,000	3	.....	.....
Suffolk Gas & Electric Light Co	200,000	.....	200,000	.....	.....	.....	.....
Total dividend paying stocks	14,724,000	4,097,800	18,821,800	.....	.....	.....	.....
Total non-dividend paying stocks	16,439,300	2,880,400	19,319,700	.....	.....	.....	.....
Total	31,163,300	6,978,200	38,141,500	736,402	.....	205,890	.....

[1] "Amount Paid" does not agree with "Amount Declared".

TABLE 7: COMBINED ELECTRICAL AND GAS CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Combined Electrical and Gas Corporations whose gross revenues are less than $25,000, with Amount of Dividends Paid and Rate Declared, for year ended December 31, 1908. Dividend paying stocks are printed in black face type.

Name of corporation.	Stocks outstanding December 31, 1908.	Dividends.	
		Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Per cent.*
Bath Electric & Gas Light Co	100,000	.....	.....
Central New York Power Co	2,000	.....	.....
Dansville Gas & Electric Co	79,700	.....	.....
Fort Plain Gas & Electric Light, Heat & Power Co	31,000	4,650 00	15
Geneseo Gas Light Co	25,000	.....	.....
Granville Electric & Gas Co	150,000	.....	.....
Halfmoon Light, Heat & Power Co	55,000	.....	.....
LeRoy Hydraulic Electric Gas Co	100,000	[1] 87 50	[1] 5
Norwich Gas & Electric Co	100,000	.....	.....
Oneonta Light & Power Co	[2] 175,000	4,500 00	6
Schoharie Light & Power Co	40,000	.....	.....
Palmyra Gas & Electric Co	25,000	.....	.....
Warsaw Gas & Electric Co	50,000	2,500 00	5
Waterville Gas & Electric Co	19,100	.....	.....
Total dividend paying stocks	256,000	.....	.....
Total non-dividend paying stocks	695,800	.....	.....
Total	951,800	11,737 50	.....

[1] Balance not paid but to remain in the business. [2] Includes $75,000 of preferred stock upon which 6 per cent dividends were paid.

TABLE 8: COMBINED ELECTRIC RAILROAD AND ELECTRICAL OR GAS CORPORATIONS: showing Outstanding Dividend and Non-dividend Paying Stocks of Operating Combined Electric Railroad and Electrical or Gas Corporations, with Amount of Dividends Paid and Rate Declared, for the fiscal year ended June 30, 1909. Dividend paying stocks are printed in black face type.

Name of corporation.	Stocks outstanding June 30, 1909.			Dividends.			
				Common stock.		Preferred stock.	
	Common.	Preferred.	Total.	Amount paid.	Rate declared.	Amount paid.	Rate declared.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Per cent.*	*Dollars.*	*Per cent.*
Albany & Hudson Railroad Co	750,000	1,000,000	1,750,000	.....	.....	.....	.....
Cortland County Traction Co	320,000	.....	320,000	.....	.....	.....	.....
Elmira Water, Light & R. R. Co	1,000,000	670,000	1,670,000	.....	.....	[1] 33,430	[1] 5
Lima-Honeoye Electric Light & R. R. Co	5,000	.....	5,000	.....	.....	.....	.....
Paul Smith's Electric Light & Power & R. R. Co	200,000	.....	200,000	.....	.....	.....	.....
Peekskill Lighting & Railroad Co	500,000	150,000	650,000	20,000	4	9,000	6
Port Jervis Electric Light, Power, Gas & R. R. Co	450,000	.....	450,000	.....	.....	.....	.....
St. Lawrence International Electric R. R. & Land Co	250,000	.....	250,000	.....	.....	.....	.....
Total dividend paying stocks	500,000	820,000	1,320,000	.....	.....	.....	.....
Total non-dividend paying stocks	2,975,000	1,000,000	3,975,000	.....	.....	.....	.....
Total	3,475,000	1,820,000	5,295,000	20,000	.....	42,430	.....

[1] The discrepancy which appears to exist when the " Amount Paid " and " Rate Declared " are compared with the " Outstanding Stock " is due to an increase of the " Outstanding Stock " since the dividend was declared.

APPENDIX B

In the Matter of Construction and Exercise of Franchise by Railroad Corporations.

APPENDIX B

[Case No. 635]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY, under section 59 of the Railroad Law and section 53 of the Public Service Commissions Law.

The New York, Westchester and Boston Railway Company having on December 15, 1908, filed with this Commission its petition under section 59 of the Railroad Law for a certificate that public convenience and a necessity require the construction of its proposed railroad, and under section 53 of the Public Service Commissions Law for permission to construct its proposed railroad and for approval of the exercise of rights and franchises; and a public hearing on said petition, after due notice, having been held by this Commission in the Capitol, Albany, on January 6, 1909, at which various persons appeared; and proof of the publication as required by section 59 of the Railroad Law of the articles of association of said petitioner having been filed with the Commission, and proof of similar publication of change of route of the petitioner's railroad having been filed with the Commission; and it appearing that public convenience and a necessity require the construction of the petitioner's railroad as proposed in its articles of association and by said change of route; now, upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That this Commission hereby certifies, under section 59 of the Railroad Law, that the conditions of said section have been complied with by the New York, Westchester and Boston Railway Company, and that public convenience and a necessity require the construction of the railroad of said company as proposed in its articles of association and by said change of route.

Ordered: 2. That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves the construction of the proposed railroad of the New York, Westchester and Boston Railway Company as proposed in its articles of association and by said change of route, and hereby permits and approves the exercise by said company of rights and franchises.

[*See* case next following.]

[Case No. 635]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY, under section 59 of the Railroad Law and section 53 of the Public Service Commissions Law.

Upon the rehearing held February 10, 1909, in the above entitled matter, at which *George S. Graham* and *Allen J. Wardwell* appeared for the petitioner, and no one else appeared; and there having been filed with this Commission waivers of rehearing by the Merchants Exchange of New Rochelle, committee of New Rochelle Common Council, The New York Central and Hudson River Railroad Company, the village of Larchmont, the town of White Plains, Westchester county, the town of Scarsdale, Westchester county, the town of Eastchester, Westchester county, William C. White, owner of property at Scarsdale, W. G. Hitchcock of Scarsdale, the city of Mount Vernon, it is

Ordered: That the action of this Commission in granting to the New York, Westchester and Boston Railway Company a certificate of public convenience and a necessity under section 59 of the Railroad Law, and permission and approval to construct its proposed railroad and exercise rights and franchises under section 53 of the Public Service Commissions Law, be and hereby is affirmed, and that the order of this Commission dated January 6, 1909, heretofore entered in said proceeding, be and remain in full force and effect.

[*See* case next preceding.]

[Case No. 742]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the SOUTH SHORE TRACTION COMPANY, under section 53 of the Public Service Commissions Law, for permission to construct, maintain, and operate extensions of its railroad, and for approval of the exercise of a franchise from the president and trustees of the village of Babylon and franchises from the town board and highway commissioners of the town of Islip for such construction and operation.

Arthur Carter Hume for the petitioner. *C. Milton Rogers*, supervisor, for the town of Islip.

The South Shore Traction Company having on February 19, 1909, filed with this Commission its petition under section 53 of the Public Service Com-

missions Law for permission to construct, maintain, and operate extensions of its railroad in the village of Babylon and in the town of Islip, Suffolk county, and for approval of the exercise of franchises therefor granted by local authorities and accepted by said company, certified copies of which franchises and acceptances are filed with this Commission; and a hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 10, 1909; now, upon the aforesaid petition and papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by the South Shore Traction Company in the village of Babylon of a single-track extension of its railroad and such connections, crossovers, and suitable stations as may be necessary for the convenient working of said railroad, upon a route set forth in the franchise immediately hereinafter referred to; and hereby permits and approves the exercise of a franchise for such construction, maintenance, and operation granted to said company by the president and trustees of the village of Babylon July 7, 1908, and accepted by said company July 9, 1908, certified copies of which franchise and acceptance are filed with this Commission, this Commission hereby determining that such construction, maintenance and operation, and the exercise of said franchise are necessary and convenient for the public service.

Ordered: 2. That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by the South Shore Traction Company in the town of Islip, Suffolk county, of a single- or double-track extension of its railroad, except that said railroad shall be but single track on the South Country road in the unincorporated villages of Bay Shore, Islip, and Sayville, and such connections, sidings, switches, turnouts, and crossovers as may be necessary for the convenient working of said railroad, upon a route in said town set forth in the franchise immediately hereinafter referred to; and hereby permits and approves the exercise of a franchise for such construction, maintenance, and operation granted to said company by the town board and commissioners of highways of the town of Islip, Suffolk county, November 18, 1908, and accepted by said company November 25, 1908, certified copies of which franchise and acceptance are filed with this Commission, this Commission hereby determining that such construction, maintenance and operation, and the exercise of said franchise are necessary and convenient for the public service, except that this order and permission and approval shall not apply to the following streets, avenues, and highways named in said franchise, to wit:

In the unincorporated village of Sayville: Foster avenue from its intersection with the Middle road southerly to its intersection with Elm street; also in the unincorporated village of Sayville: Edwards street from its interesection with Candee avenue easterly to its intersection with Foster avenue; in the unincorporated village of Islip: Watson place from its intersection with Railroad avenue southerly to its intersection with Columbia street; also in the unincorporated village of Islip: Columbia street from its interesection with Watson place easterly to its intersection with Nassau avenue; also in the unincorporated village of Islip: Locust avenue from its intersection with Columbia street southerly to its intersection with Main street or the South Country road; and also extending in a westerly direction from the intersection of said Nassau avenue with Railroad avenue, over, upon, or along said railroad avenue to the intersection of said avenue with Grant avenue.

Ordered: 3. That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by the South Shore Traction Company in the town of Islip, Suffolk county, of a single- or double-track extension of its railroad and such connections, sidings, switches, turnouts, and crossovers as may be necessary for the convenient working of said railroad, upon a route in said town set forth in the franchise immediately hereinafter referred to; and hereby permits and approves the exercise of a franchise for such construction, maintenance, and operation granted to said company by the town board and commissioners of highways of the town of Islip, Suffolk county, March 3, 1909, and accepted by said company March 4, 1909, certified copies of which franchise and

acceptance are filed with this Commission, this Commission hereby determining that such construction, maintenance and operation, and the exercise of said franchise are necessary and convenient for the public service.

[Case No. 788]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK AND NORTH SHORE TRACTION COMPANY, under section 53 of the Public Service Commissions Law, as to construction of its railroad on a changed route in the village of Mineola.

Appearances:
James A. MacElhinny for the petitioner;
Joseph F. Keany for The Long Island Railroad Company;
Edward J. Lloyd for property owners of Mineola;
Edward Smith, president of the village of Mineola.

The New York and North Shore Traction Company having on March 15, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate its railroad on a changed route in the village of Mineola; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 22, 1909; now, upon the aforesaid petition, papers filed, and statements at the hearing, and after due deliberation, it is

Ordered: That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by The New York and North Shore Traction Company of its railroad on a changed route in the village of Mineola, as follows: Beginning at the present tracks on Willis avenue about two hundred and five feet south of Searing avenue, running thence easterly across Willis avenue to private property; thence easterly through private property, crossing the right of way of the Long Island railroad, and continuing through private property to the Roslyn road, about one hundred and fifty to two hundred feet south of Searing avenue; thence northerly on and along the Roslyn road to a point opposite Clinton avenue; thence easterly, crossing the Roslyn road, and on and along private property as set forth in the extension of route; and hereby permits and approves the exercise of a franchise for construction, maintenance, and operation granted to said company December 7, 1908, by the board of supervisors of Nassau county, this Commission hereby determining that such construction, maintenance and operation, and the exercise of said franchise are necessary and convenient for the public service.

[*See* case next following.]

[Case No. 795]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK AND NORTH SHORE TRACTION COMPANY, under section 53, Public Service Commissions Law, for approval of a change of route under section 13, Railroad Law.

Appearances:
James A. MacElhinny for the petitioner;
Joseph F. Keany for The Long Island Railroad Company;
Edward J. Lloyd for property owners in Mineola;
Edward Smith, president of the village of Mineola.

The New York and North Shore Traction Company having on March 18, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for approval of a change of route, under section 13 of the Railroad Law, in the village of Mineola; and a public hearing on said petition having been held by this Commission in the city of Albany on March 22, 1909; now, upon the aforesaid petition, papers filed, and statements at the hearing, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be and hereby is given that The New York and North Shore Traction Company change its route in the village of Mineola, Nassau county, in accordance with its certificate and the map thereof filed in the office of the clerk of Nassau county on the 7th day of December, 1908, said new or changed route being described as follows: Beginning at the present tracks on Willis avenue about two hundred and five feet south of Searing avenue, running thence easterly across Willis avenue to private property; thence easterly through private property, crossing the right of way of the Long Island railroad, and continuing through private property to the Roslyn road, about one hundred and fifty to two hundred feet south of Searing avenue; thence northerly on and along the Roslyn road to a point opposite Clinton avenue; thence easterly, crossing the Roslyn road, and on and along private property as set forth in the extension of route.

[*See* case next preceding.]

[Case No. 443]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Buffalo on the 14th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

Resolved: In the matter of the application of the Dexter and Northern Railroad Company for a certificate of public convenience and a necessity

under section 59 of the Railroad Law, and for permission and approval under section 53 of the Public Service Commissions Law, that the opinion of Commissioner Decker be and is hereby adopted as the opinion of the Commission, ordered printed and served upon the parties;

Further Resolved: That with provision of proper station, yard, and proper arrangements for service and charges, the applicant's proposed railroad constitutes in the opinion of the Commission a public convenience and a necessity under section 59 of the Railroad Law, and that permission and approval should be granted under section 53 of the Public Service Commissions Law, but that order containing said certificate and said permission and approval be withheld pending and until submission by the applicant of plans for construction and location of station and yard facilities and arrangements for service and charges, and approval thereof by the Commission;

Further Resolved: That a copy of this resolution be served upon the parties appearing for and against the application in this proceeding.

[*See* Case No. 443, page 156.]

[Case No. 841]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of THE NEW YORK AND NORTH SHORE TRACTION COMPANY, under section 53 of the Public Service Commissions Law, as to construction of an extension of its railroad from Roslyn westerly on the Flushing and North Hempstead turnpike to the easterly limit of the borough of Queens, New York city, at Little Neck, in the county of Nassau.

The New York and North Shore Traction Company having filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate an extension of its railroad, beginning at the present tracks of petitioner at the junction of the Middle Neck road and the North Hempstead turnpike at Appleby's corner in Roslyn, Nassau county, running thence westerly on and along said North Hempstead turnpike passing through Manhasset and Great Neck to the easterly limit of Queens borough, New York city, at Little Neck, in the town of North Hempstead, Nassau county; and for approval of the exercise of franchises for such construction and operation received from the board of supervisors of Nassau county, the town board of North Hempstead, Nassau county, and the highway commissioners of the town of North Hempstead, Nassau county; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on April 28, 1909, *James A. MacElhinny* appearing for the petitioner, *George B. Stoddart* appearing for the town of North Hempstead, and *James L. Dowsey* appearing for Manhasset Association; now, upon the aforesaid petition and papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by The New York and North Shore Traction Company of an

extension of its railroad beginning at the present tracks of petitioner at the junction of the Middle Neck road and the North Hempstead turnpike at Appleby's corner in Roslyn, Nassau county, running thence westerly on and along said North Hempstead turnpike passing through Manhasset and Great Neck to the easterly limit of Queens borough, New York city, at Little Neck, in the town of North Hempstead, Nassau county; and hereby permits and approves the exercise of franchises for such construction, maintenance, and operation granted to said company by authorities, as follows:

Franchise from the board of supervisors of Nassau county dated January 20, 1908, as amended by resolution of said board dated March 16, 1908, as amended by resolution of said board dated September 21, 1908, as amended by resolution of said board dated March 8, 1909; franchise from the town board of the town of North Hempstead, Nassau county, dated January 21, 1908, as amended by resolution of said board dated March 24, 1908; franchise from the board of highway commissioners of the town of North Hempstead, Nassau county, dated January 21, 1908, as amended by resolution of said board dated March 24, 1908;

this Commission hereby determining that such construction, maintenance and operation, and the exercise of said franchises are necessary and convenient for the public service.

[Case No. 554]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BABYLON RAILROAD COMPANY, under section 53 of the Public Service Commissions Law, as to construction of an extension of its railroad from Babylon to Amityville in Suffolk county.

The Babylon Railroad Company having on November 2, 1908, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct an extension of its railroad from Babylon to Amityville in Suffolk county, a distance of about 5.81 miles, and for approval of the exercise of franchises therefor granted by local authorities; and public hearings on said petition, after due notice, having been held by this Commission in the city of Albany on January 4 and May 17, 1909, *Arthur C. Hume* appearing for the petitioner, and no one else appearing; and said petitioner having on June 8, 1909, filed with this Commission written acceptance of the terms of a resolution in relation to this company adopted by this Commission on May 20, 1909; and this Commission hereby determining that such construction and the exercise of said franchises are necessary and convenient for the public service; now, upon the aforesaid petition, papers filed, and evidence at the hearings, it is

Ordered: 1. That the consent and permission of this Commission be and it is hereby given that the Babylon Railroad Company may extend its railroad from its present terminus in the village of Babylon to the village of Amityville, along and upon the route laid down upon a map filed with its application for this permission and consent, a distance of about 5.81 miles.

Ordered: 2. That the said Babylon Railroad Company may commence construction of its said extension.

Ordered: 3. That the said Babylon Railroad Company may exercise the franchises for the construction and operation of said road granted to it, as

follows: By the village of Babylon on the 27th day of August, 1907; by the town of Babylon on the 14th day of March, 1907; by the village of Amityville on the 10th day of June, 1907; copies of said franchises having been filed upon the application for this approval.

[*See* Case No. 41, page 151.]

[Case No. 687]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the GENEVA, WATERLOO, SENECA FALLS AND CAYUGA LAKE TRACTION COMPANY for permission and approval of the Public Service Commission of the Second Public Service District, under and pursuant to section 53 of the Public Service Commissions Law, to extend its line of railway from the village of Seneca Falls to the city of Auburn, N. Y.

On reading and filing the petition of the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company in the above entitled proceeding verified the 12th day of January, 1909; and after hearing said petitioner and its counsel in support of said petition, and The New York Central and Hudson River Railroad Company and its counsel, and the Lehigh Valley Railroad Company and its counsel, in opposition thereto; and it being found that the construction of such proposed extension is necessary and convenient for the public service, and that Cayuga lake is not navigated by steam- or sail-boats at the point where the petitioner proposes to cross said lake in the construction of its proposed extension; and after due deliberation,

It is Ordered and Directed: That the prayer of said petition be and hereby is granted, and that the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company be and the same hereby is authorized and empowered, under section 53 of the Public Service Commissions Law, to construct and exercise franchises and rights for that portion of the proposed extension described in exhibit "B" of said petition which is situate and included between the present terminus of the existing street surface railroad of the petitioner in Seneca Falls and the westerly boundary line of the city of Auburn; that before the construction of the proposed crossing of Cayuga lake the detail plans for said crossing shall be filed with and approved by this Commission.

[Case No. 41]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

Petition of BABYLON RAILROAD COMPANY, under section 53 of the Public Service Commissions Law, for approval of construction of an extension of its railroad and exercise of franchises therefor.

After due deliberation it is

Ordered: That the application of the Babylon Railroad Company for an extension of its railroad and exercise of franchises from Babylon to Amityville, received by this Commission prior to this property being transferred to its present management, be and hereby is closed on the records of this Commission, the matter having been disposed of by the action of the Commission in case 554, the application made by the present management of the applicant company.

[*See* Case No. 554, page 149.]

[Case No. 892]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3d day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CHAMPLAIN AND SANFORD RAILROAD COMPANY, under section 53 of the Public Service Commissions Law.

Whereas, this Commission heretofore by its order made on the 12th day of August, 1908, under section 59 of the Railroad Law certified that public convenience and a necessity required the construction of the Champlain and Sanford railroad from a connection with The Delaware and Hudson Company's railroad at Riverside, Warren county, northerly to Pottersville, along the west side of Schroon lake to the village of Schroon Falls; and from Schroon Falls northerly and westerly to Sanford Hill in the town of Newcomb, Essex county; and by the same order, under section 53 of the Public Service Commissions Law, permitted and approved the construction of the proposed railroad and the exercise by said railroad corporation of its franchises and rights under the Railroad Law and statutes of the State of New York, upon condition however that said railroad should not be operated by steam locomotive power but by electric power, which condition was duly accepted by said railroad corporation; and

Whereas, said Champlain and Sanford Railroad Company has by its petition duly verified 7th May, 1909, and filed in the office of the Commission

8th May, 1909, applied for the permission and approval by this Commission of a change of the route above described so that no part of said route shall be in Warren county but the whole thereof shall be in the adjoining county of Essex, by the abandonment of said described route from its southernmost point at Riverside to a point about three and a-half miles north of Schroon Falls, Essex county: the new or changed part of said route to proceed from the last mentioned point first southerly to a point about two miles south of Schroon Falls; thence generally easterly along or near the northern side of Paradox lake to the hamlet of Hammondville; thence to and across Penfield pond by viaduct at its narrowest point; thence easterly and southerly to the hamlet of Street Road; thence southerly to a point on Lake Champlain about one mile north of Addison Junction; and thence southerly to an intersection at Addison Junction with the main line of The Delaware and Hudson Company's railroad and with the Addison Junction branch of the Rutland railroad; and for such change or modification of the order of the Commission heretofore made herein as will permit said railroad to be operated by oil burning, steam locomotives as well as electrically driven locomotives; and

Whereas, two-thirds of the directors of the Champlain and Sanford Railroad Company at a meeting held 11th March, 1909, voted to change said route as above described; and said company having made a map or profile of the route adopted by it showing said alteration and change of route, certified by its president and engineer and by a majority of its directors, and filed the same in the office of the clerk of Essex county 23rd March, 1909, together with a certificate of the said change and alteration; and written notice of the time and place of filing such map and profile having been duly given on or before 7th April, 1909, to all actual occupants of the lands over which the route of the railroad so designated passed, in accordance with the provisions of sections 6 and 13 of the Railroad Law; and having on the 24th April, 1909, in the office of the Secretary of State, and on the 26th April, 1909, filed in the office of the clerk of Albany county (said offices being the offices in which respectively the original and a certified copy of the articles of association of the petitioner were filed), certificates of the change of route as aforesaid, and caused a notation of the filing of such certificates to be made in the indexes of the said offices respectively in connection with the reference and the filing of the said original and certified copy of the said articles of association; and

Whereas, no part of the construction of the petitioner's railroad either as heretofore approved by this Commission by its order 12th August, 1908, or as now proposed by the petition herein, has been commenced; and

Whereas, due proof has been made of service of notice of the application herein upon all persons and corporations interested, including the Forest, Fish, and Game Commissioner of the State of New York who makes no objection thereto; and

Whereas, it has been made to appear to the satisfaction of this Commission, at a public hearing held at the office of the Commission in the Capitol at Albany 18th May, 1909, that by reason of better terminal facilities and outlets and by easier alignments and grades the former route can be improved by a change to the route now proposed, which will facilitate the easier moving of trains carrying iron ore from Sanford Hill near Lake Sanford to a point or points of connection with outside lines of communication; and that the operation of said railroad by oil burning, steam locomotives will not endanger the lands and timber within the Forest Preserve; and that public convenience and a necessity require the construction of the railroad of said company as proposed in its articles of association and in said certificate of change of route;

Ordered: 1. That this Commission permits, approves, and ratifies said change of route, and permits and approves the construction of said railroad upon and along said route as changed.

Ordered: 2. That such construction and such exercise of the franchise of petitioner is necessary and convenient for the public service, and also

that public convenience and a necessity require the construction of said railroad as proposed in its articles of association as modified by said change of route.

Ordered: 3. That the said order of this Commission of August 12, 1908, is hereby modified so that the railroad of the said Champlain and Sanford Railroad Company shall be operated either by electric power or by oil burning, steam locomotives.

[Case No. 856]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ROCKLAND RAILROAD COMPANY, under section 53 of the Public Service Commissions Law, as to construction.

Appearances:
Hardy & Shellabarger for petitioner;
E. J. Welch for the West Shore Traction Company;
H. M. Andrews for the Erie Railroad Company and for the New Jersey and New York Railroad Company;
Anthony Helder for taxpayers;
Amos VanEtten for The New York Central and Hudson River Railroad Company.

The Rockland Railroad Company having on April 19, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate extensions of its railroad in the county of Rockland, and for approval of the exercise of franchises therefor and for the construction of its main line granted to it by local authorities; and public hearings on said petition, after due notice, having been held by this Commission in the city of Albany on May 11th and 27th; now, upon the aforesaid petition and papers and maps filed, and evidence at the hearings, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be and hereby is given, pursuant to section 53 of the Public Service Commissions Law, that the Rockland Railroad Company may construct, maintain, and operate extensions of its railroad in the county of Rockland as set forth and described in its application for such permission and approval and the accompanying papers and maps filed by it; and that it may exercise the franchises therefor and for the construction of its main line granted to it by local authorities, this Commission hereby certifying that public convenience and a necessity require such extensions, and the franchises referred to being as follows:

1. From local authorities of the village of Piermont dated May 7, 1907;
2. From the local authorities of the village of Grand View-on-Hudson dated April 22, 1907;
3. From the local authorities of the village of Nyack dated February 24, 1908;
4. From the local authorities of the village of South Nyack dated September 10, 1908;
5. From the board of supervisors of the county of Rockland dated September 28, 1908;
6. From the local authorities of the town of Clarkstown, Rockland county, dated September 24, 1908;

7. From the local authorities of the village of Haverstraw dated September 28, 1908;
8. From the local authorities of the village of West Haverstraw dated July 7, 1908;
9. From the local authorities of the town of Stony Point, Rockland county, dated September 26, 1908;
10. From the local authorities of the town of Orangetown, Rockland county, dated September 23, 1908;
11. From the local authorities of the town of Ramapo, Rockland county, dated September 24, 1908;
12. From the local authorities of the village of Spring Valley dated October 2, 1908;
13. From the local authorities of the village of Suffern dated September 29, 1908.

[Case No. 934]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ONEIDA RAILWAY COMPANY, under section 53 of the Public Service Commissions Law, as to construction.

The Oneida Railway Company having on May 19, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate a single-track railroad from the West Shore railroad at Sherrill, Oneida county, to Kenwood, in the city of Oneida, Madison county, a distance of about a mile and a-half; and for approval of the exercise of franchises therefor granted by local and state authorities; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on June 15, 1909, *E. L. Hunt* appearing for the petitioner and no one else appearing; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by the Oneida Railway Company of a single-track railroad from the West Shore railroad at Sherrill, Oneida county, to Kenwood, in the city of Oneida, Madison county, the route of said railroad being generally described as follows: Commencing at a point on the electrified West Shore at a point about one thousand (1000) feet easterly of the point of intersection of said West Shore right of way with Seneca turnpike road at Sherrill in the town of Vernon, Oneida county, N. Y., and connecting at that point with the railroad operated by your petitioner; thence running westerly by private right of way to Seneca turnpike; thence southerly through, upon, and along Seneca turnpike to Sherrill avenue; thence southerly through, along, and upon Sherrill avenue to a point near the northly approach to Hamilton bridge over Oneida creek in said town of Vernon; thence southwesterly by private right of way to the center of Oneida creek, being the division line between the town of Vernon, Oneida county, and the city of Oneida, Madison county, N. Y.; thence southerly by private right of way to a point at or near the northerly approach to the bridge over Oneida creek near the silk mill of the Oneida Community, Limited, at Kenwood, in the city of Oneida; and hereby permits and approves the exercise of franchises for such construction, maintenance, and operation granted to said company by the local authorities of the city

of Oneida February 11, 1909, as amended February 19th and March 9th; by the local authorities of the town of Vernon, Oneida county, February 9, 1909; and by the State Commission of Highways April 23, 1909; certified copies of which franchises are filed with this Commission; this Commission hereby determining that such construction, maintenance and operation, and the exercise of said franchises are necessary and convenient for the public service.

[Case No. 981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the NEW YORK AND STAMFORD RAILWAY COMPANY, under section 53 of the Public Service Commissions Law.

The New York and Stamford Railway Company having on June 10, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate a second track of its railroad in Halstead avenue in the town of Harrison, Westchester county; and for approval of the exercise of a franchise therefor granted to said company by the local authorities of said town; and a hearing upon said petition having been held by this Commission in the city of Albany on June 24, 1909, *Charles M. Sheafe, jr.*, appearing for the petitioner; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 53 of the Public Service Commissions Law this Commission hereby permits and approves the construction, maintenance, and operation by the New York and Stamford Railway Company of a second track of its railroad upon the surface of Halstead avenue, and the necessary crossovers and poles and wires for operation by the overhead electrical trolley system, in the town of Harrison, from a point where said avenue is intersected by the westerly line of the village and town of Rye, westerly to a point where said avenue is intersected by the easterly line of the village of Mamaroneck and also a line of the town of Rye, all in Westchester county, a distance of about 4850 feet; and hereby permits and approves such construction, maintenance, and operation, and hereby permits and approves the exercise of a franchise therefor granted to said company by the local authorities of the town of Harrison, May 27, 1909, a copy of which franchise is on file with this Commission; this Commission hereby determining that such construction, maintenance and operation, and the exercise of such franchise are necessary and convenient for the public service.

[Case No. 443]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the DEXTER AND NORTHERN RAILROAD COMPANY, under section 59 of the Railroad Law and section 53 of the Public Service Commissions Law, as to construction.

Appearances:
Brown, Carlisle & McCartin and *Brown & Babcock* for petitioner; *Smith & Phelps* for George W. Hubbs and others; *Kellogg & Reeves* for Robert Weatherhead.

The Dexter and Northern Railroad Company having on August 19, 1908, filed with this Commission its petition under section 59 of the Railroad Law for a certificate that public convenience and a necessity require the construction of its proposed railroad, and under section 53 of the Public Service Commissions Law for permission to construct its said proposed railroad and for approval of the exercise of its franchises and rights; and it appearing that said railroad is proposed to be a standard-gauge railroad to be constructed from Dexter Junction on the Cape Vincent branch of the Rome, Watertown and Ogdensburg railroad (leased to and operated by The New York Central and Hudson River Railroad Company), about two miles distant from the villages of Brownville and Limerick, southerly to the village of Dexter, and thence along William street in said village to the intersection of William, Water, and Canal streets, and thence along Water street to the end of Water street, a distance of about 1¾ miles; and public hearings on said petition, after due notice, having been held in the village of Dexter on November 12, 1908, and in the city of Albany on January 21, 1909; and this Commission having required said petitioner to submit before issuance of order herein plans for a station in the center of the village of Dexter and for suitable team-track delivery, and copies of contracts or arrangements for through service and rates, together with a statement of the petitioner's own arbitraries or rate arrangements with The New York Central and Hudson River Railroad Company and the American Express Company; and such information having been submitted to this Commission by the company with a letter dated June 9, 1909; and a hearing in relation thereto having been held in the city of Albany on June 22, 1909, after due notice, and this Commission being of the opinion that the said plans, contracts, and arrangements should be approved for the purposes only of this proceeding; now, upon the aforesaid petition, papers, and maps filed, and evidence at the hearings, and after due deliberation, it is

Ordered: 1. That this Commission hereby certifies under section 59 of the Railroad Law that the conditions of said section have been complied with by this petitioner, the Dexter and Northern Railroad Company, and that public convenience and a necessity require the construction of the railroad of said company as proposed in its articles of association.

Ordered: 2. That this Commission under section 53 of the Public Service Commissions Law hereby permits and approves the construction of the proposed railroad of this petitioner, the Dexter and Northern Railroad Company, as proposed in its articles of association, and hereby permits and approves the exercise by said company of its franchises and rights, this Commission hereby determining that such construction and exercise of franchises and rights are necessary and convenient for the public service.

[*See* Case No. 443, page 147.]

[Case No. 719]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of BUFFALO CONNECTING RAILWAY COMPANY, pursuant to section 59 of the Railroad Law.

Whereas, in the matter of the application of Buffalo Connecting Railway Company, pursuant to section 59 of the Railroad Law, for a certificate of this Commission that public convenience and a necessity require the construction of the railroad of said company as proposed in its articles of association, the said company has failed to satisfy this Commission that it can properly certify as aforesaid; therefore

Ordered: That the said application of said Buffalo Connecting Railway Company for the certificate of this Commission that public convenience and a necessity require the construction of its railroad as proposed in its articles of association, be and the same is hereby denied.

[Case No. 811]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of BUFFALO FRONTIER TERMINAL RAILROAD COMPANY for a certificate that public convenience and a necessity require the construction of its railroad as proposed in its articles of association.

Ordered: That this Commission hereby certifies that the directors of said Buffalo Frontier Terminal Railroad Company have complied with the provisions of section 59 of the Railroad Law by publishing a copy of its articles of association in one or more newspapers in the county of Erie, in which its road is proposed to be located, at least once a week for three successive weeks, and has filed satisfactory proof thereof with this Commission; and that this Commission further certifies that public convenience and a necessity require the construction of the railroad of said company as proposed in its said articles of association; and it is further

Ordered: That the permission and approval of this Commission be given that said company may begin construction of its said railroad, the name being convenient for the public service.

[*See* Case No. 811, page 164.]

[Case No. 975]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY for permission to extend its route from a point in the town of Ithaca to a point in the city of Ithaca.

Ordered: That the application of The New York, Auburn and Lansing Railroad Company for permission to extend its route from a point in the town of Ithaca to a point in the city of Ithaca be and is hereby closed, application having been withdrawn at a hearing held at Albany, Wednesday, July 7, 1909.

[Case No. 1033]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE LEWISTON AND YOUNGSTOWN FRONTIER RAILWAY COMPANY, under section 53 of the Public Service Commissions Law, as to construction on Oneida street in the village of Lewiston.

The Lewiston and Youngstown Frontier Railway Company having on July 29, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to begin construction of an extension of its railroad in Oneida street in the village of Lewiston, and for approval of the exercise of a franchise for construction received from the trustees of said village; and it appearing that the petitioner now has a railroad on Onondaga street (which is the next street south of Oneida street) between Fifth and Eighth streets and that one of the conditions of said franchise is that said railroad on Onondaga street shall be abandoned and the rails removed; now, upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be and the same are hereby given that The Lewiston and Youngstown Frontier Railway Company may begin construction of an extension of its railroad in and along Oneida street in the village of Lewiston, and may exercise the rights and privileges conferred by franchise granted said company by the trustees of the village of Lewiston on the 11th day of June, 1909, giving said company the right to occupy Oneida street with its tracks; a copy of which franchise is annexed to the petition on file in this matter.

[Case No. 1050]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the UTICA AND MOHAWK VALLEY RAILWAY COMPANY for permission to exercise certain rights and extensions granted to said company along Whitesboro street in the city of Utica, and to approve a franchise which was sold by the City of Utica to the Utica and Mohawk Valley Railway Company.

Utica and Mohawk Valley Railway Company having on August 9, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission and approval to exercise certain additional rights granted to said company by the city of Utica, and to build and operate an extension consisting of a single track along Whitesboro street from its intersection with Saratoga street, westerly in a direct line to the intersection of Whitesboro street and Philip street (now West avenue), and of a second track westerly on said Whitesboro street from its intersection with Philip street (now West avenue), to the city line; and for permission to exercise a certain franchise granted by the city of Utica and sold to said company to build and operate an extension to connect with the present line of said company on Bleecker street at the intersection of Bleecker and Mohawk streets, and running thence southerly across Bleecker street, and thence southerly upon, over, along, and across Mohawk street to Pleasant street in said city, and for approval thereof; and a public hearing on said petition having been held by this Commission in the city of Albany, August 9, 1909, *Kernan & Kernan* appearing for the applicant; *Josiah Perry*, corporation counsel, for the city of Utica; *Frank Baker*, president of the common council thereof; and *Arthur O'Brien*, city engineer of said city; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, this Commission hereby determining that such construction, maintenance, and operation, and the exercise of such additional rights, extensions, and franchises are necessary and convenient for the public service, it is

Ordered: That the permission and approval of this Commission be and they are hereby given:

1. That Utica and Mohawk Valley Railway Company may exercise additional rights and construct, maintain, and operate extensions on Whitesboro street as granted: namely, the additional rights and extensions given and granted to Utica and Mohawk Valley Railway Company, its successors, lessees, and assigns, by the city of Utica on the 25th day of June, 1909, to construct, maintain, and operate an extension consisting of a single track along Whitesboro street from its intersection with Saratoga street, westerly in a direct line to the intersection of Whitesboro street and Philip street (now West avenue), and of a second track westerly on said Whitesboro street from its intersection with Philip street (now West avenue) to the city line; and to construct, maintain, and operate all necessary connections, curves, and crossovers as may be necessary for the convenient working of said railroad, and to erect such poles and string such wires thereon as may be necessary to move the cars of said company by means or power of electricity.

2. That Utica and Mohawk Valley Railway Company may exercise franchises and rights, and construct, maintain, and operate an extension on Mohawk street as granted: viz., the right and franchise sold and granted

to Utica and Mohawk Valley Railway Company by the city of Utica on or about the 25th day of June, 1909, to construct, maintain, and operate a double-track street railway line to connect with the present line of the Utica and Mohawk Valley Railway Company on Bleecker street at the intersection of Bleecker and Mohawk streets, and running thence southerly across Bleecker street, and thence southerly upon, over, along and across Mohawk street to Pleasant street.

3. That Utica and Mohawk Valley Railway Company may construct, maintain, and operate all necessary connections, curves, and crossovers for the convenient working of said lines, and erect upon said streets the necessary poles and string the necessary wires so that the cars of said company may be operated by means of electricity.

[Case No. 1248]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of ELMIRA WATER, LIGHT AND RAILROAD COMPANY, under section 53 of the Public Service Commissions Law, as to construction of an extension of its railroad.

The Elmira Water, Light and Railroad Company having on September 13, 1909, filed with this Commission its petition under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate on Maple avenue in the city of Elmira, an extension of its railroad, and for approval of the exercise of a franchise therefor granted to said company by the local authorities of said city; now, upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That permission and approval be given that Elmira Water, Light and Railroad Company may construct an extension of its street surface railroad along Maple avenue in the city of Elmira, from the intersection of said Maple avenue by the northerly exterior line of Miller street extended across said Maple avenue, southerly to the intersection of said Maple avenue by the southerly exterior boundary line of said city of Elmira, being a distance of about 2100 feet, and may exercise the franchise therefor granted by the city of Elmira on the 7th day of September, 1909, such construction and the exercise of such franchise being necessary and convenient for the public service.

[Case No. 983]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the UTICA SOUTHERN RAILROAD COMPANY, under section 53 of the Public Service Commissions Law, for permission and approval to commence the construction and operation of said railroad between the southerly line of the village of Hamilton in Madison county to and including the village of Norwich in Chenango county.

Whereas, The Utica Southern Railroad Company was incorporated under the laws of the State of New York by filing a certificate of incorporation in proper offices in January, 1907, to build a railroad between Clinton and Hamilton, with branch between Deansboro and Waterville, a total distance of 26 miles, and to operate said railroad by electricity or other lawful motive power; and

Whereas, Said railroad company was granted a certificate of public convenience and a necessity under section 59 of the Railroad Law on May 16, 1907, by the Board of Railroad Commissioners, and a contract for the construction has been entered into with the Utica Southern Construction Company, and a mile of said line has been graded; and

Whereas, Said railroad company now desires to extend its proposed route from the present terminus in the village of Hamilton, Madison county, south to and through the village of Norwich, Chenango county, passing through the villages of Earlville and Sherburne, and has filed an amended certificate of incorporation in the proper offices in June, 1909, describing such extension; and

Whereas, Said railroad company has filed with this Commission a statement dated October 14, 1909, certifying its intention to operate its line by electricity as a street surface railroad, and has filed a statement as directed by section 90 of the Railroad Law in the offices of the Secretary of State and the county clerks of Oneida, Madison, and Chenango counties, giving the names and descriptions of the streets, roads, avenues, highways, and private property in or upon which it is proposed to construct such extension; and

Whereas, Said railroad company has filed with this Commission certified copies of the following consents of local authorities: 1, trustees of the village of Earlville, Madison and Chenango counties; 2, trustees of the village of Sherburne, Chenango county; 3, trustees of the village of Norwich, Chenango county; and

Whereas, Duly advertised hearings in this matter have been held at Albany, and it appears from the evidence submitted at such hearings that public convenience would be served by said extension, and that no opposition is made by other companies, by local authorities, or by property owners, it is

Ordered: That the permission and approval of this Commission is hereby granted, under section 53 of the Public Service Commissions Law, to the Utica Southern Railroad Company to exercise its rights as a street surface railroad:

1. To extend its railroad from the southerly line of the village of Hamilton, Madison county, to and through the village of Norwich, Chenango county, and passing through the villages of Earlville and Sherburne, a distance of 27 miles, as described in its statement filed by said company

under section 90 of the Railroad Law, and as shown on the maps and profiles filed with this case and marked "Map and Profile of proposed railroad, Hamilton to Norwich, N. Y.";

2. To exercise the franchises and rights granted to it by the consents of the trustees of the villages of Earlville, Sherburne, and Norwich.

[Case No. 1313]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of JOHN M. CAMPBELL and MILFORD W. CHILDS AS RECEIVERS OF THE BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY as to exercise of franchise and construction in the village of Middleport, Niagara county.

After due deliberation it is

Ordered: That the permission and approval of this Commission be and the same are hereby given that the Buffalo, Lockport and Rochester Railway Company may exercise the franchise granted it by the village of Middleport on the 25th day of October, 1909, a copy whereof is annexed to the petition of the receivers of said company for the approval of said franchise; that this approval be and the same is upon the express condition that prior to the construction of its transmission line pursuant to the terms of said franchise said railroad company submit to this Commission plans and specifications for such construction, and that no construction be entered upon or made until such plans and specifications are approved.

[*See* Case No. 1313, page 163.]

[Case No. 1307]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ELIZABETHTOWN TERMINAL RAILROAD COMPANY, under section 59 of the Railroad Law and section 53 of the Public Service Commissions Law, as to construction and exercise of franchises and rights.

The Elizabethtown Terminal Railroad Company having on October 27, 1909, filed with this Commission its petition under section 59 of the Railroad Law for a certificate that public convenience and a necessity require the construction of its proposed railroad, and under section 53 of the Public

Service Commissions Law for permission to construct, maintain, and operate its said proposed railroad, and for approval of the exercise of its franchises and rights; and it appearing that said railroad is proposed to be a standard gauge railroad to be operated by steam motor cars or other approved and lawful motive power, and to be constructed in Essex county from a point near the present railroad station in the town of Westport to a point in or near the corporation limits of the village of Elizabethtown, a distance of about eight miles; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on November 16, 1909, *W. B. Wicks* appearing for the petitioner and no one appearing in opposition; now, upon the aforesaid petition, papers and maps filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That this Commission hereby certifies, under section 59 of the Railroad Law, that the conditions of said section have been complied with by this petitioner, the Elizabethtown Terminal Railroad Company, and that public convenience and a necessity require the construction of the railroad of said company as proposed in its articles of association.

Ordered: 2. That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves the construction of the proposed railroad of this petitioner, the Elizabethtown Terminal Railroad Company, as proposed in its articles of association, and hereby permits and approves the exercise by said company of its franchises and rights; this Commission hereby determining that such construction and exercise of franchises and rights are necessary and convenient for the public service.

[Case No. 1313]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of JOHN M. CAMPBELL and MILFORD W. CHILDS AS RECEIVERS OF THE BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY as to exercise of franchise and construction in the village of Middleport, Niagara county.

Ordered: That the proposed high tension detour around the village of Middleport, as set forth by the Buffalo, Lockport and Rochester Railway Company and as shown in blue-print filed by the applicant with this Commission and received November 24, 1909, the same having been approved by the engineer of the Commission, be and hereby is approved, provided that the general construction be done in accordance with the "general specifications for 60,000-volt line construction" prepared by J. G. White and Company and on file in this office in Case No. 137, and further in accordance with special modifications prepared by the engineer of this Commission and on file with papers in this Case, No. 1313.

[*See* Case No. 1313, page 162.]

[Case No. 811]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, the ERIE RAILROAD COMPANY, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, and the LEHIGH VALLEY RAILROAD COMPANY for a rehearing of the application of Buffalo Frontier Terminal Railroad Company for a certificate that public convenience and a necessity require the construction of its railroad as proposed in its articles of association.

This Commission on the 30th day of July, 1909, granted a certificate of public convenience and a necessity to the Buffalo Frontier Terminal Railroad Company after long continued public hearings, at which The New York Central and Hudson River Railroad Company, the Erie Railroad Company, The Delaware, Lackawanna and Western Railroad Company, and the Lehigh Valley Railroad Company appeared in opposition to the granting of such certificate. Thereafter the said railroad companies last named filed with the Commission a petition for a rehearing in said proceeding pursuant to section 22 of the Public Service Commissions Law. A hearing was had upon said petition on the 6th day of December, 1909, at which the said petitioners were fully heard. No proof or evidence of any kind was submitted by the petitioners at said hearing in support of their application. The application was based wholly upon the evidence taken in the proceeding before the granting of said certificate and upon arguments based thereon. Every argument and consideration advanced by the petitioners was fully considered by the Commission in making its decision to grant such certificate, except the fact that a new railroad corporation, the Frontier and Western Railroad Company, has since such determination filed an application for a certificate of public convenience and a necessity. The matters upon which said petitioners desire a rehearing having been fully considered before making the determination to grant said certificate, and no new fact having been brought to the attention of the Commission, in the judgment of the Commission no sufficient reason for granting the rehearing asked for has been made to appear; therefore

Ordered: That the application of The New York Central and Hudson River Railroad Company, the Erie Railroad Company, The Delaware, Lackawanna and Western Railroad Company, and the Lehigh Valley Railroad Company for a rehearing in the matter of the application of the Buffalo Frontier Terminal Railroad Company be and the same is hereby denied.

[*See* Case No. 811, page 157.]

[Case No. 1339]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the HORNELL-BATH INTERURBAN RAILWAY COMPANY, under section 59 of Railroad Law and section 53 of the Public Service Commissions Law, as to construction and exercise of franchises and rights.

Whereas, The Hornell-Bath Interurban Railway Company did on the 23rd day of November, 1909, file with this Commission a petition under section 59 of the Railroad Law for a certificate of public convenience and a necessity, and under section 53 of the Public Service Commissions Law for permission to construct, maintain, and operate a proposed railroad, and for approval of the exercise of its franchise and rights; and

Whereas, It appears that said railroad is proposed to be a standard gauge street surface railroad to be operated by electric motor cars or other approved and lawful motive power, except steam power, and to be constructed between the city of Hornell and the village of Bath, in the county of Steuben, passing through the towns of Hornellsville, Howard, Fremont, Avoca, and Bath, a distance of about 24 miles; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Buffalo on the 3rd day of December, 1909, *Milo M. Acker* appearing for the Hornell-Bath Interurban Railway Company, *Thomas Shannon* of Bath for the Hornell-Bath and Lake Keuka Railway Company, *Louis L. Babcock* for The Delaware, Lackawanna and Western Railroad Company, and *F. A. Robbins* and *S. E. Brown* for the Erie Railroad Company and the Bath and Hammondsport Railroad Company; it is

Ordered: 1. Upon the aforesaid petition, papers and maps filed, and evidence at the hearing, and after due deliberation, that this Commission certify and it does hereby certify, under section 59 of the Railroad Law, that the conditions of said section have been complied with by the Hornell-Bath Interurban Railway Company, and that public convenience and a necessity require the construction of the railroad of said company as proposed in its articles of association.

Ordered: 2. That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves the construction of the proposed railroad of this petitioner, the Hornell-Bath Interurban Railway Company, as proposed in its articles of association, and hereby permits and approves the exercise by said company of its franchises and rights.

APPENDIX C

In the Matter of Transfer of Franchise, Sale of Stock, or Consolidation of Railroad Corporations.

APPENDIX C

[Case No. 625]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of Petitions of the NORWOOD AND ST. LAWRENCE RAILROAD COMPANY and the RAYMONDVILLE & WADDINGTON RAILROAD COMPANY, under section 54 of the Public Service Commissions Law.

The Norwood and St. Lawrence Railroad Company and the Raymondville & Waddington Railroad Company having on December 4, 1908, filed with this Commission their petitions under section 54 of the Public Service Commissions Law for approval, so far as this Commission has jurisdiction, of an agreement merging and consolidating the capital stock, franchises, and property of said companies into a new consolidated corporation under provisions of article three of the Railroad Law, the name of the consolidated corporation to be Norwood & St. Lawrence Railroad Company; and a hearing on said petitions, after due notice, having been held by this Commission in the city of Albany on January 4, 1909, *Francis M. Hugo* appearing for the petitioners, and *W. J. Fletcher* appearing for the town of Norfolk, St. Lawrence county; and it appearing that the railroad of the Norwood and St. Lawrence Railroad Company is constructed and operated by locomotive steam power from the village of Norwood to the village of Raymondville, all in St. Lawrence county, a distance of about 7½ miles, and that the railroad of the Raymondville & Waddington Railroad Company is under construction and is to extend from Raymondville to Waddington on the St. Lawrence river, all in St. Lawrence county, a distance of about 15 miles, and is intended to be operated by locomotive steam power; and it appearing that the railroads of the said companies proposing to consolidate will form a continuous railroad line; and it appearing that the capital stock of the new corporation to be formed by said consolidation will not exceed the sum of the capital stock of the corporations so consolidated, and that no bonds or other evidences of debt are to be issued as a consideration for or in connection with such consolidation; and it appearing that the owners of capital stock of said companies proposing to consolidate to an amount equal to that required by section 71 of the Railroad Law have consented to said consolidation; now, upon the aforesaid petitions and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 54 of the Public Service Commissions Law this Commission hereby approves, so far as the transfer of the franchises and rights to or under the franchises involved is concerned, the agreement under provisions of article three of the Railroad Law merging and consolidating the capital stock, franchises, and property of the Norwood and St. Lawrence Railroad Company and the Raymondville & Waddington Railroad Company, the name of the consolidated company to be Norwood & St. Lawrence Railroad Company, which agreement was executed December 25, 1908, and a duplicate original of which agreement is attached to the petition herein on file with this Commission.

[Case No. 691]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition, under section 54 of the Public Service Commissions Law, of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and the NEW YORK AND OTTAWA RAILWAY COMPANY, for approval of proposed lease of the New York and Ottawa railroad to The New York Central and Hudson River Railroad Company.

The above mentioned petition having been received and filed, now, after due deliberation, it is

Ordered: That the proposed lease of the New York and Ottawa railroad to The New York Central and Hudson River Railroad Company for the term of one year, commencing February 1, 1909, said lease being fully set forth in the petition of the said The New York Central and Hudson River Railroad Company and of the New York and Ottawa Railway Company verified the 8th day of January, 1909, asking the approval thereof by this Commission, be and the same is hereby approved.

[Case No. 695]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for leave to purchase the stock of the Spuyten Duyvil and Port Morris Railroad Company.

Application having been made to this Commission by the New York Central and Hudson River Railroad Company by petition filed January 20, 1909, under section 54 of the Public Service Commissions Law, for an order authorizing the applicant to purchase 9890 shares (or so much thereof as it may be able) of the capital stock of the Spuyten Duyvil and Port Morris Railroad Company, and this Commission having examined into the matter, now, after due deliberation, it is

Ordered: That The New York Central and Hudson River Railroad Company be and it hereby is authorized to purchase all, or not less than a majority, of the 9890 shares of the capital stock of the Spuyten Duyvil and Port Morris Railroad Company at a price not exceeding $230 a share.

[Case No. 751]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the ROCHESTER RAILWAY COMPANY, the ROCHESTER AND EASTERN RAPID RAILWAY COMPANY, and THE ROCHESTER AND SODUS BAY RAILWAY COMPANY, under section 54 of the Public Service Commissions Law.

The Rochester Railway Company, the Rochester and Eastern Rapid Railway Company, and The Rochester and Sodus Bay Railway Company, having filed with this Commission their joint petition under section 54 of the Public Service Commissions Law for approval of an agreement consolidating the capital stock, franchises, and property of said companies into a new consolidated corporation under provisions of article three of the Railroad Law, the name of the new consolidated corporation to be New York State Railways; and a hearing on said joint petition, after public notice and notice to the City of Rochester, having been held by this Commission in the city of Albany on March 5, 1909, *Walter N. Kernan* appearing for said petitioners and no one appearing in opposition; and it appearing that the railroads of the said companies proposing to consolidate form a continuous or connected line of railroad with each other; and it appearing that the capital stock of the new corporation to be formed by said consolidation will not exceed the sum of the capital stock of the corporations so consolidated at the par value thereof, and that no bonds or other evidences of debt are to be issued as a consideration for or in connection with such consolidation; and it appearing that the owners of capital stock of said companies proposing to consolidate to an amount equal to that required by section 71 of the Railroad Law have consented to said consolidation; and said petitioners and the representative of the proposed consolidated company, *i. e.*, New York State Railways, having stipulated upon this hearing that the said New York State Railways shall and will so keep its books of account that the operations of the several lines of railroad now belonging to the consolidating companies shall be kept separately, upon such basis and in such form as shall be approved by this Commission; and said joint petition also asking that this Commission authorize The New York Central and Hudson River Railroad Company to take and hold the amount of the capital stock of the proposed new corporation, *i. e.*, New York State Railways, which under the terms and conditions of said consolidation agreement is to be issued to said The New York Central and Hudson River Railroad Company in exchange for that portion of the stock of the Rochester Railway Company, the Rochester and Eastern Rapid Railway Company, and The Rochester and Sodus Bay Railway Company, which said The New York Central and Hudson River Railroad Company was authorized to acquire and hold under an order of this Commission dated July 21, 1908; now, upon the aforesaid joint petition and accompanying papers, and after due deliberation, it is

Ordered: 1. That under section 54 of the Public Service Commissions Law this Commission hereby approves the said agreement under provisions of article three of the Railroad Law consolidating the capital stock, franchises, and property of the Rochester Railway Company, the Rochester and Eastern Rapid Railway Company, and The Rochester and Sodus Bay Railway Company, the name of the consolidated company to be New York State Rail-

ways, so far as said agreement transfers or affects any franchise or right of said consolidating companies or either of them and so far as the approval of this Commission is required to validate said agreement and consolidation, which agreement was made December 12, 1908, and a duplicate original of which agreement is on file with this Commission.

Ordered: 2. That under section 54 of the Public Service Commissions Law The New York Central and Hudson River Railroad Company is hereby authorized to take and hold the amount of the capital stock of the proposed new corporation, *i. e.*, New York State Railways, which under the terms and conditions of said consolidation agreement is to be issued to said The New York Central and Hudson River Railroad Company in exchange for that portion of the stock of the Rochester Railway Company, the Rochester and Eastern Rapid Railway Company, and The Rochester and Sodus Bay Railway Company, which said The New York Central and Hudson River Railroad Company was authorized to acquire and hold under an order of this Commission dated July 21, 1908.

Ordered: 3. That said proposed consolidated company, *i. e.*, New York State Railways, shall so keep its books of account that the operations of the several lines of railroad now belonging to the Rochester Railway Company, the Rochester and Eastern Rapid Railway Company, and The Rochester and Sodus Bay Railway Company, shall be kept separately upon such basis and in such form as shall be directed and approved in the future by this Commission.

[Case No. 796]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the BUFFALO AND LACKAWANNA TRACTION COMPANY and the BUFFALO AND LAKE ERIE TRACTION COMPANY, under section 54 of the Public Service Commissions Law, for approval of lease.

Upon the joint petition of the above named companies, and after due deliberation, it is

Ordered: That the proposed lease between the Buffalo and Lackawanna Traction Company, party of the first part, and the Buffalo and Lake Erie Traction Company, party of the second part, in and by which lease the said Buffalo and Lackawanna Traction Company leases all its corporate property, franchises, and privileges to the Buffalo and Lake Erie Traction Company for a term of 999 years, be and the same is hereby approved, upon condition that upon the formal execution of said lease by the lessor and lessee a certified copy of the lease as executed be filed with this Commission, together with certified copies of the resolutions of the boards of directors of the lessor and lessee approving of said lease and authorizing the execution thereof, and that when said certified copies of the said lease and resolutions are so filed, this Commission will enter an order approving of this lease as so executed.

[*See* Case No. 796, page 174.]

[Case No. 759]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY for consent to the purchase of stock of the New York and Port Chester Railroad Company and of the New York, Westchester and Boston Railway Company.

Whereas, The Millbrook Company was organized by the petitioner to acquire and hold stock of the New York and Port Chester Railroad Company and of the New York, Westchester and Boston Railway Company and is owned and fully controlled by the petitioner, The New York, New Haven and Hartford Railroad Company; and

Whereas, The Millbrook Company owns all but ten shares of the 91,950 shares of stock of the New York and Port Chester Railroad Company; and

Whereas, The New York and Port Chester Railroad Company owns the City and County Contract Company, which is a company organized for construction purposes; and

Whereas, The Millbrook Company, through its ownership of New York and Port Chester Railroad Company stock and control of the City and County Contract Company stock, and because of its own holdings owns or controls 75,829½ shares out of a total of 108,410 shares of the New York, Westchester and Boston Railway Company, the remaining 32,580½ shares being held by various parties most of whom are now unknown to the petitioner; and

Whereas, It is the intention declared by the petitioner's attorney upon this record to complete the construction of the New York, Westchester and Boston Railway, except as the said company and the New York and Port Chester Railroad Company may be permitted to consolidate under action of the Legislature of the State of New York upon a bill now pending therein for that purpose; providing, however, for such consolidation only upon the consent of this Commission, and except, if such bill does not become a law, as this Commission may upon application duly made permit changes in the route of said New York, Westchester and Boston railway; and

Whereas, The common ownership or control of the New York and Port Chester Railroad Company and the New York, Westchester and Boston Railway Company has been considered by the heretofore existing Board of Railroad Commissioners of this State upon application of the New York and Port Chester Railroad Company for consent to mortgage its property and to increase its capital stock from $250,000 to $20,000,000, which consent to mortgage and to increase capital stock was granted by said Board upon condition that the capital stock of both said companies should not exceed $20,000,000, and the said condition was afterward carried out by cancellation of 90,000 shares of the New York, Westchester and Boston Railway Company stock and 90,029 additional shares of stock by the New York and Port Chester Railroad Company; and

Whereas, The petitioner desires in good faith to do away with and discontinue all functions of the Millbrook Company as an unnecessary and expensive intermediate or holding company, to which it has made large advances of money for use in the operations of said Millbrook Company, which operations are set forth in the contract between the petitioner and said Millbrook Company dated December 4, 1905, and on file in this proceeding; and

Whereas, The petitioner further desires to acquire all of the stock of the New York and Port Chester Railroad Company and the New York, Westchester and Boston Railway Company, as well as that which it now controls through ownership of stock of the Millbrook Company as that which is owned by other persons, firms, or corporations; and

Whereas, It appears to the Commission that the petitioner now controls much more than a majority of stock of the said railroad company and railway company, and no reason has appeared to this Commission why the petitioner should not take over into its own name the stock of said railroad company and railway company which is now owned or controlled by its holding corporation, the Millbrook Company, and acquire the stock of said railroad company and railway company now held by other parties; it is

Ordered: That the petitioner, The New York, New Haven and Hartford Railroad Company, be and is hereby authorized to purchase from the Millbrook Company all the stock of the New York and Port Chester Railroad Company owned by said Millbrook Company, and also to purchase all stock of the New York, Westchester and Boston Railway Company now owned by said Millbrook Company or the City and County Contract Company and by the New York and Port Chester Railroad Company, all of said stock having been so acquired by said companies prior to July 1, 1907; and also to purchase the remaining stock of said New York, Westchester and Boston Railway Company now owned by parties not named upon the record herein, at the lowest price obtainable, from time to time; and it is further

Ordered: That the petitioner be required to file once in each month a report showing the taking over and purchase of stock under the authority hereby granted, including in such report the names of the parties from whom the same may be purchased and the price paid therefor.

[Case No. 796]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Joint Petition of the BUFFALO AND LACKAWANNA TRACTION COMPANY and the BUFFALO AND LAKE ERIE TRACTION COMPANY, under section 54 of the Public Service Commissions Law, for approval of lease.

In accordance with the terms of an order of this Commission dated March 23, 1909, there having been filed with this Commission a certified copy of a lease of the corporate property, franchises, and privileges of the Buffalo and Lackawanna Traction Company to the Buffalo and Lake Erie Traction Company for a term of 999 years, together with certified copies of the resolutions of the boards of directors of the lessor and lessee companies approving of said lease and authorizing the execution thereof; it is

Ordered: That said lease as so executed be and it is hereby approved.

[*See* Case No. 796, page 172.]

[Case No. 822]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Joint Petition of the SYRACUSE, GENEVA AND CORNING RAILWAY COMPANY and the FALL BROOK RAILWAY COMPANY, under section 54 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the agreement between the Syracuse, Geneva and Corning Railway Company, the Fall Brook Railway Company, and the Pine Creek Railway Company, dated the 4th day of February, 1909, for the consolidation of said companies, the name of the consolidated company being the Geneva, Corning and Southern Railroad Company, be and the same is hereby approved, and authorization is given for the consolidation of said companies pursuant to the terms of said agreement.

[*See* two cases next following.]

[Case No. 899]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the GENEVA, CORNING AND SOUTHERN RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, under section 54 of the Public Service Commissions Law, as to lease.

On the petition and papers attached in this matter, and after due deliberation, it is

Ordered: That the Geneva, Corning and Southern Railroad Company be and it is hereby authorized to lease all its property and franchises to The New York Central and Hudson River Railroad Company for the term of the corporate existence of the said Geneva, Corning and Southern Railroad Company, the term of said lease to begin April 1, 1909, upon the terms and conditions set forth in the form of lease submitted and filed by said companies upon their application for the approval thereof; that the said proposed lease be and the same is approved.

[*See* preceding case and case next following.]

[Case No. 990]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to surrendering capital stock of the Syracuse, Geneva and Corning Railway Company, and capital stock of the Pine Creek Railway Company, and receiving and holding in place thereof capital stock of the Geneva, Corning and Southern Railroad Company.

The New York Central and Hudson River Railroad Company having on July 1, 1909, filed with this Commission its petition for authority to surrender the 8218 shares of the capital stock of the Syracuse, Geneva and Corning Railway Company, and the 19,980 shares of the capital stock of the Pine Creek Railway Company, owned by it to the Geneva, Corning and Southern Railroad Company, and to receive and hold in place thereof the common stock of said Geneva, Corning and Southern Railroad Company to the amount of 18,208 shares of the par value of $1,820,800; and a hearing on said petition having been held by this Commission in the city of Albany on July 1st, *Albert H. Harris* appearing for the petitioner; now, upon the aforesaid petition and hearing, and after due deliberation, it is

Ordered: That The New York Central and Hudson River Railroad Company be and it is hereby authorized to surrender the 8218 shares of the capital stock of the Syracuse, Geneva and Corning Railway Company, and the 19,980 shares of the capital stock of the Pine Creek Railway Company, owned by it to the Geneva, Corning and Southern Railroad Company, and receive and hold in place thereof the common stock of said Geneva, Corning and Southern Railroad Company to the amount of 18,208 shares of the par value of $1,820,800.

[*See* two cases next preceding.]

[Case No. 972]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the ITHACA STREET RAILWAY COMPANY for permission to acquire the stock of the Renwick Park Company, etc.

Ordered: That the application of the Ithaca Street Railway Company for permission to acquire the stock of the Renwick Park Company, etc., be and is hereby closed, the Commission having dismissed the application at hearing held at Albany, Wednesday, July 7, 1909.

[Case No. 979]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the SYRACUSE RAPID TRANSIT RAILWAY COMPANY, and Petition of the SYRACUSE AND SUBURBAN RAILROAD COMPANY (a separate petition from each company), under section 54 of the Public Service Commissions Law, for approval of a contract made May 8, 1909, between said companies for use by each of a portion of the other's railroad in Syracuse.

Syracuse Rapid Transit Railway Company and Syracuse and Suburban Railroad Company having filed separate petitions under section 54 of the Public Service Commissions Law June 24, 1909, for the approval of a contract entered into May 8, 1909, by and between said companies for the use by each of a portion of the other's railroad in Syracuse: viz., by the Syracuse Rapid Transit Railway Company of the Syracuse and Suburban Railroad Company's tracks upon East Fayette street between the intersection of South State, East Fayette, and East Genesee streets, and the tracks of the Rapid Transit Company at the intersection of Montgomery and East Fayette streets; and by Syracuse and Suburban Railroad Company of the tracks of the Syracuse Rapid Transit Railway Company upon East Fayette and West Fayette streets between the terminus of the Suburban line upon East Fayette street and the New York Central station; and public hearings on said petition having been held by the Commission at the city of Albany on the 27th day of July, 1909, and at Syracuse on the 30th day of July, 1909; *Gannon, Spencer and Michell* (by Mr. Gannon) appearing for the applicants; *Ray B. Smith* appearing for John H. Mann & Company and others, owners or occupants of property on East Genesee, South Salina, and adjacent streets, in opposition; and *F. J. Snyder* for the North Side Citizens Association. Now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That this Commission approves the said agreement dated May 8, 1909, between Syracuse Rapid Transit Railway Company and Syracuse and Suburban Railroad Company, a copy of which agreement is attached to the petition herein and marked Exhibit "A".

[Case No. 927]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of THE CAPITOL RAILWAY and the UNITED TRACTION COMPANY, under section 54 of the Public Service Commissions Law for approval of a lease of the franchise of the first named company to the second named company.

The Capitol Railway and the United Traction Company having on May 26, 1909, filed with this Commission their joint petition, under section 54 of the Public Service Commissions Law, for approval of a lease of the franchise of the first named company to the second named company; and it appearing that the Capitol railway is a double-track street surface railroad operated by the overhead electrical trolley system on Delaware avenue between Madison and Second avenues in the city of Albany, and that its operations are conducted by the United Traction Company as a part of the lines of said last named company; now, upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That the joint petition of the Capitol Railway and United Traction Company of Albany, under section 54 of the Public Service Commissions Law, for approval of a lease of the franchise of The Capitol Railway to the United Traction Company be and it is hereby granted, a copy of the proposed lease being attached to the petition in this matter.

[Case No. 1304]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of sale of capital stock and mortgage bonds of THE GREAT BEAR LIGHT AND POWER COMPANY by said company.

After due deliberation it is

Ordered: That The Great Bear Light and Power Company is hereby directed and required to appear before this Commission at its hearing room in the Capitol at Albany, on Monday, October 25, 1909, at 2 o'clock p. m., and produce at said time all its books and papers containing any entry or entries regarding the sale of the stock and bonds issued by it pursuant to an authorization order of this Commission granted March 10, 1908.

[Case No. 1359]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for authority to acquire 4208⅓ shares of the capital stock of The New York, New Haven and Hartford Railroad Company.

After due deliberation it is

Ordered: That The New York Central and Hudson River Railroad Company be and it is hereby authorized to subscribe for, take, and acquire 4208⅓ shares of the capital stock of The New York, New Haven and Hartford Railroad Company, and to pay therefor the sum of $526,041.66, said shares being the amount said New York Central and Hudson River Railroad Company is entitled to take in an increase of the capital stock of said New York, New Haven and Hartford Railroad Company to the amount of 25 per cent of its stock now outstanding, and this authorization relates solely to the shares which the said New York Central and Hudson River Railroad Company is entitled to take of said increase.

[Case No. 1005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY and the NEW YORK AND PORT CHESTER RAILROAD COMPANY, as to consolidation, abandonment of portions of routes, and approval of construction, and as to highway crossings.

Whereas, New York, Westchester and Boston Railway Company and New York and Port Chester Railroad Company, by petition dated July 7, 1909, have applied for permission to consolidate the property, stock, and franchises of the said two railroad corporations, and the abandonment of certain portions of the routes of said railroads, and the approval of the construction of the consolidated railroad as a single railroad, as required by public convenience and a necessity, and to determine the method of crossing the streets, avenues, and highways proposed to be crossed by the construction of said road; now therefore it is

Ordered: That New York, Westchester and Boston Railway Company and New York and Port Chester Railroad Company be and they hereby are authorized by joint agreement to consolidate their capital stock, property, and franchises and the capital stock, property, and franchises of each of them, such agreement to be executed and approved, filed and recorded, in the manner, if any, provided or prescribed in the Railroad Law for agreements of such character, and that the approval of the Public Service Commission of the Second District to such consolidation as required by the Railroad Law of the State of New York, and by chapter 579 of the laws of the State of New York for the year 1909, be and the same hereby is granted, provided that the capital stock of said consolidated company shall not exceed the sum of five millions of dollars, and that the final agreement of consolidation be submitted to this Commission for approval before final execution; and it is

Further Ordered: That the corporation to be formed by such consolidation be and it hereby is authorized to abandon such portions of the routes of the consolidating corporations as are not necessary to form one continuous route from the Harlem river in the city of New York to the village of Port Chester in the county of Westchester, with a branch line from about 177th street in the city of New York to Throgg's Neck in said city, and with a branch line from the city of Mount Vernon in the county of Westchester to White Plains in said county, or to the village of Elmsford in said county in case the application to abandon that portion of the line extending from White Plains to Elmsford should hereafter be denied; and that a certificate of this Commission of the approval of such abandonment more specifically setting forth the extent and parts thus to be abandoned hereafter be made and filed in the office of the Secretary of State; and it is

Further Ordered: That the construction of said consolidated railroad as a single railroad be and the same hereby is approved and authorized as a public convenience and a necessity; and it is

Further Ordered: That in so far as the application and petition refers to and requests the abandonment of that portion of the route of New York, Westchester and Boston Railway Company which extends from Clason's Point to Throgg's Neck in the city of New York, the same be and hereby is denied; and it is

Further Ordered: That in so far as the application and petition refers to the abandonment of that portion of the branch line of New York, Westchester and Boston Railway Company which extends from White Plains in the county of Westchester to Hall's Corners, now known as Elmsford, in said county, no decision is now made, and that the Commission will make further order in regard thereto; and it is

Further Ordered: That in so far as said application and petition refers to the method of crossing streets, avenues, and highways upon the proposed construction, that the Commission will make further order in regard thereto.

[*See* case same number next following.]

[Case No. 1005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23d day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Proposed Form of Agreement for the Consolidation of the NEW YORK, WESTCHESTER AND BOSTON RAILWAY COMPANY and the NEW YORK AND PORT CHESTER RAILROAD COMPANY.

Ordered: That the proposed form of agreement for the consolidation of the New York, Westchester and Boston Railway Company and the New York and Port Chester Railroad Company, submitted to and filed with this Commission by the said companies on the 23rd day of December, 1909, pursuant to the terms of an order of this Commission dated the 16th day of December, 1909, requiring said form of agreement to be submitted to and approved by this Commission, be and the same is hereby approved, and the said corporations New York, Westchester and Boston Railway Company and the New York and Port Chester Railroad Company are hereby authorized, pursuant to the provisions of chapter 579 of the laws of the State of New York for the year 1909, to enter into and execute said agreement of consolidation, the blanks in said form to be filled according to the pleasure and discretion of said consolidating corporations.

[*See* case same number next preceding.]

[Case No. 1408]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the UNION RAILWAY COMPANY OF NEW YORK CITY and FREDERICK W. WHITRIDGE, RECEIVER, and THE WESTCHESTER ELECTRIC RAILROAD COMPANY and J. ADDISON YOUNG, RECEIVER, as to approval of agreement between said companies and receivers.

After hearing and due deliberation it is

Ordered: That the agreement dated the 6th day of December, 1909, between the Union Railway Company of New York City, a street surface railroad corporation organized and existing under and by virtue of the laws of the State of New York, and Frederick W. Whitridge as receiver of said company, of one part, and The Westchester Electric Railroad Company, a street surface railroad corporation organized and existing under and by virtue of the laws of the State of New York, and J. Addison Young as temporary receiver of said company, of the other part, a copy whereof is annexed to the application of the said parties for this approval and marked Exhibit D, be and the same

is hereby, pursuant to the tenth paragraph of said agreement, and also pursuant to section 54 of the Public Service Commissions Law, approved. This approval is upon the express condition that nothing in said agreement contained, either express or implied, which is in conflict with any provision of the Public Service Commissions Law or any other law of the State of New York, or which may be intended or construed to in any manner whatsoever limit or modify the lawful powers of the Public Service Commission, Second District, or any other commission or body hereafter created by law with powers of supervision, control, or regulation over the said corporations or the roads operated by them or their successors, assigns, or receivers, or any of them, whether as to the matter of rates, fares, operation, service, or otherwise of the said parties, shall not be considered or treated as approved hereby so far as they may attempt to limit or modify such powers, and that this Commission shall have and retain all powers over said corporation which it now possesses or may hereafter be conferred upon it by law.

APPENDIX D

In the Matter of Issue of Stocks, Bonds, and Other Evidences of Indebtedness by Railroad Corporations.

APPENDIX D

[Case No. 698]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY, under subdivision 10, section 4, Railroad Law, for approval of supplemental mortgage.

The Western New York and Pennsylvania Traction Company having on January 20, 1909, filed with this Commission an application under subdivision 10, section 4, Railroad Law, for consent to issue to The Trust Company of America a mortgage supplemental to the mortgage of said company dated December 1, 1906, and executed to the Colonial Trust Company, which last named company has been merged into The Trust Company of America; and it appearing that the owners of the stock of said traction company to an amount equal to that required by the statute have consented to the issuance of said supplemental mortgage; now, upon the aforesaid application and accompanying papers, and after due deliberation, it is

Ordered: That the consent of this Commission be and hereby is given that the Western New York and Pennsylvania Traction Company may execute and issue to The Trust Company of America a mortgage supplemental to its mortgage executed to the Colonial Trust Company as trustee, said original mortgage being dated December 1, 1906, and said supplemental mortgage being dated the 15th day of December, 1908, and having been signed and acknowledged by the officers of said traction company December 30, 1908.

[Case No. 703]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE LEHIGH AND HUDSON RIVER RAILWAY COMPANY, under section 55 of the Public Service Commissions Law, for authority to issue eight promissory notes in part payment for twelve freight locomotive engines.

The Lehigh and Hudson River Railway Company having on January 25, 1909, filed with this Commission a petition for authority to issue to Burnham,

Williams & Company, proprietors of the Baldwin Locomotive Works of the city of Philadelphia, eight promissory notes for $13,072.50 each, payable at various periods more than twelve months after their dates, the total of said notes being $104,580, in part payment for twelve freight locomotive engines to be furnished to the petitioner by the payees, said locomotive engines to have the Baldwin Locomotive Works class designation 10/38 E 3303 to 3308 and 3319 to 3324, and The Lehigh and Hudson River Railway Company numbers 58 to 69; and it appearing from the petition and accompanying papers that the value of each of said twelve freight locomotive engines is $15,000, a total of $180,000, and that the entire amount to be paid to Burnham, Williams & Company is $192,870, which includes interest on the notes, and that the difference between the total amount of the eight notes and the last named total is to be met in another manner; now, upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: 1. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes The Lehigh and Hudson River Railway Company to issue to Burnham, Williams & Company, proprietors of the Baldwin Locomotive Works of the city of Philadelphia, eight notes for $13,072.50 each, all bearing date January 15, 1909, the first of said notes to become due fifteen months after January 15, 1909, and one of the others of said notes to become due at the expiration of each succeeding three months until the last becomes due thirty-six months after January 15, 1909; that said notes shall bear no interest, as the interest is included in the face of the notes; the use of the capital to be secured by the issue of said eight notes for $13,072.50 each being in the opinion of this Commission reasonably required for the said purposes of the corporation, to wit, the acquirement of twelve freight locomotive engines for the improvement and maintenance of its service.

Ordered: 2. That said eight notes of $13,072.50 each be devoted to the payment in part of the cost of the twelve freight locomotive engines above referred to, to be purchased from Burnham, Williams & Company, proprietors of the Baldwin Locomotive Works of the city of Philadelphia, and for no other purpose, said locomotive engines to bear the Baldwin Locomotive Works class designation 10/38 E 3303 to 3308 and 3319 to 3324, and the lessee's numbers 58 to 69.

Ordered: 3. That as each of said eight notes for $13,072.50 is paid and canceled, proof by affidavit of such payment and cancellation shall be filed by the petitioner with this Commission.

[Case No. 729]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the FITCHBURG RAILROAD COMPANY, under the Stock Corporation Law for approval of an increase of its preferred capital stock by the amount of $550,000 par value, and under section 55 of the Public Service Commissions Law for authority to issue the amount of said increase: viz., 5500 shares of preferred capital stock par value $100 a share, total par value $550,000.

The Fitchburg Railroad Company having on February 8, 1909, filed with this Commission its petition under the Stock Corporation Law for approval

of an increase of preferred capital stock of said company by the issuance of 5500 shares, par value $100 a share, total $550,000; and under section 55 of the Public Service Commissions Law for authority to issue said $550,000 preferred capital stock; and a hearing on said petition having been held by this Commission at its office in the Capitol, Albany, on February 17, 1909, *Jarvis P. O'Brien* and *George O. Foster* appearing for the petitioner; and it appearing from the petition and accompanying papers and evidence at the hearing that the proceeds of said increase of preferred capital stock are to be used for the discharge of lawful obligations of said Fitchburg Railroad Company: to wit, an indebtedness to the Boston and Maine Railroad for permanent additions to and improvements upon the railroad property of said Fitchburg Railroad Company made by said Boston and Maine Railroad; now, upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under the Stock Corporation Law this Commission hereby approves the increase of the preferred capital stock of the Fitchburg Railroad Company by the issuance of 5500 shares of preferred capital stock, par value $100 a share, total $550,000, and that indorsement of such approval be made upon the proceedings of the meeting of the stockholders of said Fitchburg Railroad Company at which meeting said increase was approved by the stockholders.

Ordered: 2. That under section 55 of the Public Service Commissions Law the Fitchburg Railroad Company be and it is hereby authorized to issue 5500 shares of its preferred capital stock of the par value of $100 a share, amounting at par value to $550,000; that the said shares be sold at auction in the city of Boston, Mass., to the highest bidder for cash, at not less than the par value thereof, it being the opinion of this Commission that the capital to be secured by the issue of said $550,000 preferred capital stock is reasonably required for the said purposes of the corporation.

Ordered: 3. That said $550,000 preferred capital stock shall be devoted by Fitchburg Railroad Company to and used for the following purposes and no other, namely, the discharge of its lawful obligations: to wit, an indebtedness to the Boston and Maine Railroad for permanent additions to and improvements upon the railroad property of said Fitchburg Railroad Company made by said Boston and Maine Railroad pursuant to the terms of a lease of said property made about June 30, 1900, said indebtedness amounting to the sum of $720,570.32.

Ordered: 4. That the Fitchburg Railroad Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $550,000 preferred capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said preferred capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said preferred capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted in accordance with the provisions of this order; and that such reports shall be made until all the proceeds of said preferred capital stock have been expended, pursuant to the provisions of this order.

[Case No. 593]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2d day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Application of ERIE RAILROAD COMPANY, under section 55 of the Public Service Commissions Law, for authority to issue its 5 per cent collateral gold bonds to the amount of $30,000,000.

Application having been made by Erie Railroad Company by petition dated November 11, 1908, under section 55 of the Public Service Commissions Law, for order authorizing the applicant to issue its 5 per cent collateral gold bonds to the amount of $30,000,000; and hearings having been duly had on said application, and the petitioner having appeared by *George F. Brownell*, its vice-president and general solicitor; and the Commission having examined such witnesses, books, papers, accounts, and reports as it deemed necessary or important to enable it to reach a determination herein, and the facts and conditions involved in this matter having been duly considered:

It is Ordered: That the applicant, Erie Railroad Company, is hereby authorized, under section 55 of the Public Service Commissions Law, to issue collateral trust gold bonds to the amount of thirty million dollars ($30,000,000) par value, maturing in not to exceed thirty years nor less than twenty years after date, and bearing not to exceed 5 per cent interest payable semiannually, the capital to be secured by the said issue of bonds being in the opinion of this Commission reasonably required for the proper and lawful purposes of the said applicant; provided and upon the express condition that the issue and sale or exchange of the said bonds shall be upon and strictly in accordance with the restrictions and requirements hereinafter imposed, and that the said bonds and proceeds thereof shall be used and applied solely and only in the manner and for the purposes hereinafter specified, as follows, to wit:

1. That a collateral trust indenture shall be duly prepared and submitted to the Commission providing for the said issue of collateral trust gold bonds as hereinafter set forth, and that this order shall become effective only upon and not until the approval of the said collateral trust indenture by this Commission expressed by resolution or supplemental order.

2. That bonds of the said issue may be issued by the applicant, Erie Railroad Company, to the amount in par value of eleven million three hundred and eighty thousand dollars ($11,380,000) for exchange and to be exchanged for a like aggregate amount at face value, namely, eleven million three hundred and eighty thousand dollars ($11,380,000) of interest coupons of the said applicant's 4 per cent general lien bonds and said applicant's 4 per cent convertible fifty-year gold bonds, but not less than 90 per cent of said amount of bonds shall be so exchanged for a like amount at face value of said combined interest coupons of said two existing issues of bonds, the said interest coupons hereby referred to being those due subsequent to June 30, 1909, and during a period of five years thereafter ending with June 30, 1914, and no others; provided, however,

a. That the said exchange of bonds herein authorized shall be upon the par value of bonds for face value of coupons without payment by or on behalf of the applicant of any premium or commission or of any other than indispensable expenses involved in securing consents for said exchange;

b. That the said exchange for not less than said 90 per cent of such coupons shall be effected or consents in writing for said exchange secured before the 1st day of October, 1909, and prior to the issue or the use in any manner whatsoever of any part of the remainder of the bonds hereby authorized;

c. That if for any reason or cause the said exchange of bonds hereby authorized to the amount of eleven million three hundred and eighty thousand dollars ($11,380,000), or 90 per cent thereof, for the aforesaid coupons shall not be effected or consents therefor secured as hereinabove specified before said 1st day of October, 1909, or such later date as this Commission may by amendment hereafter prescribe, and prior to the issue or use in any manner of any part of the remainder of bonds hereby authorized, then and in that case this whole order and the authorization hereby granted shall cease to be effective or in anywise in force, and the record upon this application shall stand as if the said application were now in all respects denied;

d. The said coupons are to remain uncanceled and be deposited with the trustee named in the collateral trust indenture as security for the bonds hereby authorized.

3. That bonds of the issue hereby authorized may be issued by the applicant, Erie Railroad Company, to the amount of ten million five hundred thousand dollars ($10,500,000) par value, and exchanged by the applicant for the same amount in face value of notes which have been heretofore issued or contracted to be issued by the applicant under authorization of this Commission in its order of March 31, 1908, as amended by order entered April 6, 1908, such exchange of said bonds to be effected upon the basis only of the par value of the bonds for the face value of the notes, exclusive of interest on the notes accrued but not paid, which said interest on said notes, if any shall remain unpaid at the time of exchange, shall be paid from the treasury of the applicant. The said exchange shall be made without the payment by or on behalf of the applicant of any premium or commission or of any other than indispensable expenses involved in securing consents for such exchange. The said notes shall remain uncanceled and be deposited, together with any collateral attached or appertaining thereto, with the trustee named in the collateral trust indenture as security for payment of the issue of bonds hereby authorized.

4. That bonds of the issue hereby authorized not required or used for either of the purposes hereinbefore specified may be issued by the applicant subject to the restrictions in this order specified, and sold in whole or in part from time to time at a price not less than 87½ per cent of the par value thereof, and the proceeds from the sale of said bonds shall be used and applied to the cost of improvements and additions to the railroad property owned and operated by the applicant, or operated under its control as connected parts of its railway system, or in course of construction for its use and operation as part of its system, provided that the said improvements or additions to said property hereby referred to are those only which are specified in exhibit "H" and schedule "I" on file herein and generally described as follows, to wit:

For completing the improvements specified in said exhibit "H," $4,289,096.04, or so much thereof as may be required, the said improvements being those referred to in said exhibit: Erie & Jersey Railroad, Genesee River Railroad, Penhorn Creek Railroad, Columbus & Erie Railroad, low grade line Newburgh Junction to Highland Mills, N. Y., double tracking and connecting Greenwood Lake Division and Newark Branch with Penhorn Creek Railroad.

For improvements and additions specified in said schedule "I," which embrace additional equipment estimated to cost $8,667,347; and additional shops, machinery, roundhouses, stations, warehouses, yards and tracks, including additional running tracks, sidings, receiving and delivery tracks, both east and west of Salamanca, and which are deemed to include any such improvements at Salamanca; cutoff tracks or lines or shortening or straightening or improving the line or grade of the applicant's roads and the lands required for said purposes, both east and west of Salamanca; elimination of grade crossings both east and west of Salamanca; water facilities east and west of Salamanca; fire protection west of Salamanca; piping yards for air east and west of Salamanca; automatic block signals on main and suburban lines and interlocking plants at various points; water softeners, locomotive cranes, and miscellaneous machinery at various points, all estimated to cost $27,355,833.33.

Provided, further, that the proceeds of said bonds may be devoted to such other improvements or additions to the railroad property of the applicant or

to the payment of the principal of obligations falling due within five years from June 30, 1909, as may upon further application be approved by order of the Commission. *Provided, further*, that any of said bonds remaining unissued may also be exchanged for notes authorized by the Commission under its said order of March 31, 1908, as amended April 6, 1908, in addition to the ten million five hundred thousand dollars ($10,500,000) of said notes already issued or contracted to be issued upon the terms and conditions specified in subdivision 3 of this order, provided and only in the event that such additional notes shall be issued prior to October 1, 1909, or such later date as the Commission by amendment hereof may hereafter prescribe.

5. That the collateral trust indenture for the issue of bonds hereby authorized shall provide by suitable covenants for the aforesaid exchange of bonds for interest coupons, and for the said exchange of bonds for notes, and for the sale of bonds and use of the proceeds thereof, all as hereinabove provided and prescribed; and shall further provide by suitable covenants, as follows:

a. The said collateral trust indenture shall by covenant provide that an amount shall be taken from income every six months equal to the amount of interest coupons for the said six months of the aforesaid general lien and convertible bonds for which bonds hereby authorized may be exchanged, and the said amount so taken and set aside from income shall be expended during the said period of six months or within three months thereafter upon the applicant's aforesaid railroad property for improvements or additions specified in the said schedule of proposed improvements or additions filed as exhibit "H" and schedule "I" herein, and hereinabove generally described, or for such other improvements or additions to the applicant's railroad property as may be substituted by special order of this Commission. The said period of six months shall commence with July 1, 1909, and run from July 1 to January 1 and from January 1 to July 1, in each succeeding year during which interest coupons so exchanged as herein provided shall accrue or would have accrued. The intent and effect hereof is that at the end of the said five year period an amount equal to said funded interest shall have been expended from income for additions and improvements to the applicant's said property as hereinabove specified. Any amount of money expended from income for such additions and improvements during any of the said six months' periods in excess of the amount hereby required shall be credited to the required expenditure for the next period of six months, and the excess carried over from period to period of six months each as may result from such excess expenditures. The collateral trust indenture shall also provide for defeasance in case of failure on the part of Erie Railroad Company, applicant herein, to so set aside and expend from income for such additions and improvements an amount equal to said interest coupons every six months as aforesaid, and for foreclosure proceedings based thereon to be instituted by the trustee named in said indenture upon the request of any holder of one or more of said general lien bonds or said convertible bonds;

b. The said collateral trust indenture shall also contain suitable covenant embracing the refunding of the aforesaid notes to the amount of ten million five hundred thousand dollars ($10,500,000), or such amount in addition thereto as may be issued prior to October 1, 1909, the exchange of which for bonds hereby authorized is hereinabove provided for, but that said indenture shall not relate to the refunding of notes authorized to be issued by the applicant in said order of the Commission of March 31, 1908, as amended April 6, 1908, other than or in excess of the amount of said notes which may be issued prior to October 1, 1909;

c. The said collateral trust indenture shall contain suitable provisions retaining the security for the notes provided for in the trust indenture relating thereto for which bonds hereby authorized may be exchanged.

6. That in the event that the applicant, Erie Railroad Company, shall issue and sell prior to October 1, 1909, notes of the said issue authorized by order of the Commission of March 31, 1908, as amended April 6, 1908, in addition to those already issued or contracted to be issued to the amount of ten million five hundred thousand dollars ($10,500,000), and in the event that such additional notes are issued before October 1, 1909, and the proceeds

thereof shall be used for funding or paying interest coupons of said general lien bonds or the said convertible gold bonds or any other mortgage lien whatsoever or the interest upon any equipment trust or other obligation of the company, and the said notes shall be exchanged for any of the bonds hereby authorized as above provided, the said applicant shall set aside and expend from income during the calendar year in which the said exchange of bonds for said notes has been effected for improvements or additions as hereinabove described, an amount equal to the amount of interest coupons or interest so funded or paid; and all the provisions of paragraph *a* of subdivision 5 herein, except as to the dates therein mentioned, which for this purpose shall be the calendar year, shall apply thereto.

7. That if the applicant, Erie Railroad Company, shall during any one year of the five year period from June 30, 1909, to and including June 30, 1914, fail to expend from income on improvements or additions to its property as hereinabove specified an amount equal to the yearly interest so refunded by exchange of bonds hereby authorized for interest coupons of said general lien and convertible bonds as aforesaid, or an amount equal to any interest paid or funded by the issue of additional notes as above specified during the calendar year in which the said notes were exchanged for bonds hereby authorized, the difference between such amount of money and the amount of money actually expended, or all of such amount of money if none has been so expended from income, shall be so expended within a period of not less than three months to be fixed by the Commission, but any amount of money expended by the applicant from income for said improvements or additions in any one year in excess of the amount of money required to equal the yearly interest so refunded shall be credited to the required expenditure for the ensuing year.

8. That the applicant, Erie Railroad Company, shall not issue notes under the order of the Commission of March 31, 1908, authorizing an issue of notes to the amount of fifteen million dollars ($15,000,000), and the amending order of April 6, 1908, beyond the said amount of ten million five hundred thousand dollars ($10,500,000) already issued or contracted to be issued and the amount of said notes which may be issued in addition thereto, prior to October 1, 1909.

9. That there shall not at any time be outstanding of the bonds hereby authorized and the notes issued by the applicant pursuant to the order of this Commission under date of March 31, 1908, as amended April 6, 1908, an amount which shall aggregate more than thirty million dollars ($30,000,000), provided that such aggregate shall not include such of said notes as may be refunded and deposited as collateral under the indenture securing said bonds.

10. That the applicant, Erie Railroad Company, shall make full and detailed report to this Commission once in each six months of its action and operations under this order, including the expenditure of money from income for improvements and additions to its property as herein provided.

11. That the applicant, Erie Railroad Company, shall within thirty days from the date of service hereof notify the Commission whether it accepts this order with all of the provisions and conditions thereof. In case of non-acceptance by the applicant within such period of thirty days, further order will be entered herein as may appear to be required.

[*See* Case No. 593, pages 198 and 200.]

[Case No. 624]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of NEW YORK AND STAMFORD RAILWAY COMPANY, under subdivision 10 of section 4 of the Railroad Law for consent to mortgage its property, and section 55 of the Public Service Commissions Law for an order authorizing an issue of bonds thereunder.

The petition filed in this matter by New York and Stamford Railway Company on December 8, 1908, as amended by petition filed February 15, 1909, asks for approval under subdivision 10 of section 4 of the Railroad Law of a mortgage of its property to the Union Trust Company of New Haven, Connecticut, as trustee, covering the issue of 4 per cent bonds, each of the denomination of $1000, not to exceed in the aggregate the principal sum of two million dollars ($2,000,000), maturing November 1, 1958, with a clause providing for redemption at par and accrued interest plus a premium of 2 per cent upon the principal of outstanding bonds after May 1, 1914. The petition as amended also asks authority to issue bonds under said mortgage to the amount of four hundred and fifty thousand dollars ($450,000) for the purpose of retiring bonds heretofore authorized to be issued to the amount of four hundred and fifty thousand dollars ($450,000) under the petitioner's present mortgage to the New York Security and Trust Company. The petitioner also desires to issue bonds to the amount of two hundred eighty-nine thousand eight hundred forty dollars and sixty-one cents ($289,840.61) in part payment of note obligations outstanding. These note obligations amount to three hundred thirteen thousand eight hundred forty dollars and sixty-one cents ($313,840.61). From this item the company desires to deduct twenty-four thousand dollars ($24,000), representing bonds under its present mortgage now unissued and in its treasury.

It appears to the Commission from the petition, evidence, and an examination made of the company's books and accounts for the purposes of this case, that the mortgage which the petitioner desires to execute should be approved, subject as to the issuance of bonds thereunder to the approval of this Commission from time to time for the purposes set forth in the Public Service Commissions Law, and in accordance with such conditions pertaining to such issuance of bonds as may be deemed necessary by the Commission.

It further appears to the Commission from the record herein that the petitioner should be authorized to issue bonds under the proposed mortgage in the amount of four hundred and twenty-six thousand dollars ($426,000) for the purpose of retiring bonds to that amount issued and outstanding under its present mortgage, the said new bonds to be exchanged for said old bonds at not less than par value and without the payment of any premium or commission upon said exchange whatsoever, and that if any of the said bonds shall be sold for the purpose of purchasing said bonds now outstanding such new bonds shall be sold for not less than their par value exclusive of any commission for the sale thereof.

It also appears to the Commission that the bonds of the company under its present mortgage to the amount of twenty-four thousand dollars ($24,000), which are unissued and are now held in the treasury of the petitioner, should be canceled.

It also appears to the Commission from the record herein that the petitioner

should be authorized to issue bonds under the proposed mortgage to the amount of two hundred and seventy-four thousand dollars ($274,000) for the purpose of discharging its note obligations of record herein, which said obligations consist of notes issued by the petitioner October 10, 1908, and February 9, 1909, to The New York, New Haven and Hartford Railroad Company in the amount of one hundred fifty-four thousand seven hundred eighty dollars and thirty-three cents ($154,780.33), and to the Connecticut Company in the amount of one hundred fifty-nine thousand and sixty dollars and twenty-eight cents ($159,060.28), the two sums making a total of three hundred and thirteen thousand eight hundred forty dollars and sixty-one cents ($313,840.61).

It appears to the Commission that the difference between the said sum of three hundred and thirteen thousand eight hundred and forty dollars and sixty-one cents ($313,840.61), and two hundred and seventy-four thousand dollars ($274,000), the amount covering bonds hereby allowed to be issued for the purpose aforesaid: namely, thirty-nine thousand eight hundred and forty dollars and sixty-one cents ($39,840.61), should be disallowed for the purposes of this application, the amounts so disallowed covering the following items:

Track bonding: The amount represented by this item is $779.26, of which $376.76 is disallowed, no evidence having been introduced to show that the number of bonds covered by this amount were installed as an addition and betterment..... $376 76

Right of way, Sterling property, Rye, N. Y.: The amount of this item is $9598.23, of which $900.00, covering additional right of way purchased is allowed, and the balance $8698.23, representing work done by J. M. Sterling prior to January 1, 1905, the date when the present management of the company came into possession, is disallowed because it is an old claim settled by the present management and its nature is not clearly shown by the evidence..... 8,698 23

Franchise, village of Port Chester, N. Y.: This amount, $1200.00, is not a lump payment for a new franchise, but is a compromise settlement of an old claim resulting from the growth of taxes on earnings which had never been paid and which was settled before the village of Port Chester would consider the granting of a new franchise. Allowance of this item is not deemed appropriate upon this application..... 1,200 00

Cutoff at Rye, N. Y.: The amount asked and represented in this item is $33,230.61. Examination of the books and accounts shows that there was charged to New York and Stamford Railway Company for advances on account of this item only $27,916.17, and that the balance expended was charged to operating expenses. The amount allowed should be in accordance with the original distribution as shown by such books and accounts. The amount disallowed in respect of this item is..... 5,314 44

Real estate purchased from C. R. Anderson: This item is subject to further proof, since there has been no evidence introduced in respect thereto, nor does the item appear to have been charged to New York and Stamford Railway Company at the time of the examination of said books and accounts, and it is therefore disallowed..... 2,000 00

Double tracking Grace, Church, and South streets and Midland avenue, Port Chester, N. Y.: The amount represented by this item is $40,051.45, and this was shown on the books at the time of examination. The distribution of the amount spent was: New York and Stamford Railway Company advances $31,516.40, adjustment suspense $2126.54, and the remainder of the sum asked was charged to operating expenses. The amount allowed is the sum of the adjustment suspense item and the amount actually charged to the New York and Stamford Railway Company advances. The amount disallowed is that which was charged to operating expenses..... 6,408 51

Additional trucks, motors, etc.: The amount represented in this item is $32,816.18, and there has been allowed $17,616.18. The amount disallowed, namely $15,200, is not shown by the proof in this case to represent expenditures which could have been used for additional equipment on the twelve unequipped cars involved under this item.. 15,200 00

The remainder of the amount disallowed is voluntarily deducted as error by the petitioner..... 660 54

The sum of the items disallowed is $39,858.48, which deducted from the amount claimed, $313,840.61, leaves $273,982.13 as the sum to be allowed for the purposes of the bond issue. This sum in round figures amounts to $274,000.

It appears to the Commission from the record herein that the capital to be secured by an issue of bonds under the proposed mortgage to the amount of seven hundred thousand dollars ($700,000) is reasonably required for lawful purposes of the company: namely, four hundred and twenty-six thousand dollars ($426,000) to retire its outstanding bonds, and two hundred and seventy-four thousand dollars ($274,000) to discharge its aforesaid note indebtedness, which said note indebtedness represents improvements and indebtedness to its property as shown by schedules on file in this proceeding and proof adduced in relation thereto. Now therefore, after due consideration of the matters and things involved herein, it is

Ordered: 1. That this Commission does hereby consent to the issuance by the petitioner, New York and Stamford Railway Company, of the proposed mortgage upon its property to the Union Trust Company of New Haven, Connecticut, in the amount of two million dollars ($2,000,000) covering bonds bearing 4 per cent interest, maturing November 1, 1958, or at such time prior thereto as may be determined by action of the petitioner under the redemption clause in said mortgage, subject however as to the issuance of bonds thereunder to the provisions of section 55 of the Public Service Commissions Law and the orders of the Commission.

2. That the petitioner, New York and Stamford Railway Company, be and is hereby authorized to issue under the mortgage hereby approved bonds to the amount of four hundred and twenty-six thousand dollars ($426,000) for the sole purpose of retiring its bonds now issued and outstanding under its mortgage to the New York Security and Trust Company, the said bonds to be exchanged for the said bonds now outstanding at not less than the par value of the new bonds and without the payment by the petitioner of any premium on such exchange; and in case the said new bonds shall be sold for the purpose of applying the proceeds to the payment of the said bonds now outstanding or any part thereof, the said new bonds shall be sold at not less than the par value thereof net in the treasury of the company, and the said present bonds shall be purchased with such proceeds at a price not to exceed their par value. Provided however, and upon the express condition, that the bonds of the petitioner to the amount of twenty-four thousand dollars ($24,000) under its present mortgage and now held in its treasury shall be canceled.

3. That the petitioner, New York and Stamford Railway Company, be and is hereby authorized to issue bonds under the mortgage hereby approved to the amount of two hundred and seventy-four thousand dollars ($274,000) to be used in discharging the note obligations specified in the recital hereof and for no other purpose, the exchange or sale of the said bonds for this purpose to be effected only upon the basis of not less than the par value of said bonds.

4. That the petitioner, New York and Stamford Railway Company, shall make verified reports to this Commission, as follows: (*a*) upon the exchange or sale of said bonds authorized by this order or any part thereof, the fact of such exchange or sale, the terms and conditions thereof, and the amount covered by or realized therefrom; (*b*) at the termination of each and every period of six months from the date of service of this order, the disposition and use made by the exchange or proceeds from the sale of said bonds, setting forth in reasonable detail the purposes to which said exchange or sale of bonds have been devoted; and that such reports shall be made until all of said bonds have been exchanged or sold, subject to the provisions of the order.

[Case No. 640]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BUFFALO AND LACKAWANNA TRACTION COMPANY, under subdivision 10, section 4 of the Railroad Law for consent to execute a first mortgage of $1,500,000, and under section 55 of the Public Service Commissions Law for authority to issue $1,000,000 5 per cent twenty-year gold bonds of the denomination of $1000 each to be secured by said mortgage.

The Buffalo and Lackawanna Traction Company having on December 14, 1908, filed with this Commission its petition under subdivision 10, section 4 of the Railroad Law for consent to execute a first mortgage for $1,500,000, and under section 55 of the Public Service Commissions Law for authority to issue $1,000,000 in 5 per cent twenty-year gold bonds of the denomination of $1000 each to be secured by said mortgage; and hearings on said petition having been held by this Commission in the Capitol, Albany, on January 11 and 22, and February 25, 1909, *Daniel J. Kenefick* and *William F. Sheehan* appearing for the petitioner; and it appearing that the capital to be secured by the issue of said bonds is to be used for the construction, completion, and equipment of the railroad of said company, including the purchase of property necessary therefor; now, upon the aforesaid petition and accompanying papers, and evidence at the hearings, and after due deliberation, it is

Ordered: 1. That under subdivision 10 of section 4 of the Railroad Law this Commission hereby consents that the Buffalo and Lackawanna Traction Company may execute and deliver to the New York Trust Company a first mortgage upon all the property and franchises of said traction company to secure the payment of 5 per cent twenty-year gold bonds in the aggregate amount of $1,500,000, said mortgage to be in the form submitted to and filed with this Commission bearing date December 1, 1908; this consent however shall not be construed to authorize the issue of any bonds under said mortgage except under the conditions of this or some further order; the use of the capital to be secured by the execution and delivery of said mortgage being in the opinion of this Commission reasonably required for the said purposes of said corporation.

Ordered: 2. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes under the conditions of this order the Buffalo and Lackawanna Traction Company to issue, as provided by said mortgage, its 5 per cent twenty-year gold bonds of the denomination of $1000 each to be secured by the said mortgage, to the aggregate amount of $1,000,000 and no more, the use of the capital to be secured by the issuance of said $1,000,000 in bonds being in the opinion of this Commission reasonably required for the said purposes of said corporation.

Ordered: 3. That said $1,000,000 in bonds shall be sold for cash only, at a price not less than eighty per cent of the par value thereof.

Ordered: 4. That the capital to be secured by the issue of said $1,000,000 in bonds shall be used solely for the construction, completion, and equipment of the railroad of said company, including the purchase of property necessary therefor.

Ordered: 5. That said mortgage for $1,500,000 shall not be executed or delivered, and that none of said bonds shall be issued, sold, or in any manner

disposed of, until said company (1) shall have caused to be subscribed and paid for at par its common capital stock to the amount par value of $45,000, authority to issue which is hereby given, the proceeds thereof to be used for the same purposes as the proceeds of said bonds herein authorized, the use of said $45,000 being reasonably required for said purposes; (2) shall have caused its common capital stock to the amount of $945,000 heretofore issued to be returned to it and canceled, said $945,000 in stock to be under all circumstances thereafter treated and considered as unissued stock not to be issued without the further authorization of this Commission.

Ordered: 6. That this order shall not be effective until said company has filed with this Commission satisfactory proof of compliance by it with the conditions contained in the immediately preceding order number 5.

Ordered: 7. That said Buffalo and Lackawanna Traction Company shall make verified reports to this Commission, as follows: (*a*) upon the sale, after compliance with the conditions of this order, of said $1,000,000 in bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less than eighty per cent of their par value; (*b*) at the expiration of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $1,000,000 in bonds, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted.

[Case No. 749]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, March 31, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY as to capital stock.

The Fonda, Johnstown and Gloversville Railroad Company having on February 25, 1909, filed with this Commission its petition under the Stock Corporation Law for approval of an increase of the capital stock of said company from $2,500,000 to $3,500,000, par value $100 a share; the $1,000,000 increase to be 6 per cent cumulative preferred stock; and under section 55 of the Public Service Commissions Law for authority to issue $500,000 of said increase; and in relation to the classification of petitioner's stock; and a public hearing on said petition, after public notice, having been held by this Commission at its office in the Capitol, Albany, on March 8, 1909, *Frank Burton*, with *J. Ledlie Hees*, president, and other officials of the company appearing for the petitioner; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under the Stock Corporation Law this Commission hereby approves the increase of the capital stock of the Fonda, Johnstown and Gloversville Railroad Company from $2,500,000 to $3,500,000, par value $100 a share; which increase of $1,000,000 shall be in the form of shares of preferred stock of the par value of $100 each, the owners of which preferred stock when issued shall be entitled to the following preferences and priority over the owners of the common stock, to wit: The owners of the preferred capital stock to be paid dividends up to but not exceeding 6 per centum per annum, payable quarterly out of surplus profits on the 15th day of March, June, September, and December in each and every year; such dividends to be cumulative, and any deficiency therein in any one year to be paid out of the

surplus profits of any previous or subsequent years before any amount or dividend shall be paid or set apart on the common capital stock. The owners of said preferred capital stock shall not, however, be entitled to any further dividends or to participate in any other or additional earnings or profits of the company. In the event of the liquidation or dissolution of the company, whether through insolvency or the termination of its corporate existence or otherwise, or the sale of its properties and distribution of capital and assets among the stockholders, the owners of the preferred capital stock shall be entitled to and shall be paid in full both the par value of their shares and the accumulated and unpaid dividends, or proper provision made for the payment thereof, before any amount or amounts shall be paid to the owners of the common capital stock. The owners of the preferred capital stock shall not, however, be entitled to share further in any assets or funds of the company. The preferred capital stock, or any part thereof, may at any time be redeemed by the company, if permitted by law so to do, at $105 per share, and the payment of all cumulative and unpaid dividends thereon; said issue of such preferred stock being in the opinion of the Commission reasonably required for the purposes of the corporation in the discharge or lawful refunding of its obligations incurred for the acquisition of property and the construction, completion, and extension of its facilities.

Ordered: 2. That indorsement of approval by this Commission of said increase of capital stock from $2,500,000 to $3,500,000 be made upon the proceedings of the meeting of the stockholders of said Fonda, Johnstown and Gloversville Railroad Company at which meeting said increase was approved by the stockholders.

Ordered: 3. That under section 55 of the Public Service Commissions Law the Fonda, Johnstown and Gloversville Railroad Company be and it is hereby authorized and empowered at the present time, and by the terms of this order, to issue $500,000 only of said preferred stock, to consist of 5000 shares of $100 each, which said stock shall be sold at par, and the proceeds thereof applied as follows and not for any other purpose: (*a*) $274,080.68 of said amount shall be expended in satisfying and discharging an equal amount of indebtedness now due and owing by the petitioner, whether evidenced by bills payable or by open accounts, and which said amount is itemized in part in a schedule filed by the petitioner on the hearing herein, but is more fully set forth in an affidavit sworn to March 15, 1909, by J. Ledlie Hees, the president and general manager of the petitioner herein, and filed with the Commission as part of the records in this case; the items of said indebtedness hereby allowed to be capitalized being those aggregating $298,373.15 and set forth in the first part of said affidavit, less the item of $24,292.47 for current railroad material and supplies, which said amount is not allowed to be capitalized; the said items being for amounts expended for new construction and for capital amounts during the period from June 30, 1905, to November 30, 1906; provided however, and as a condition of this approval of increase of capital stock of said company and authorized to issue said $500,000 in preferred capital stock of said company, that all real estate actually used by the petitioner for its operations the title to which is now held by the Sacandaga Park Company, be conveyed in fee free of incumbrance (except a mortgage of $8000) by the said Sacandaga Park Company to the petitioner; (*b*) the balance of the proceeds of said $500,000 issue of preferred stock, to wit $225,919.32, shall be expended in canceling, discharging, and satisfying an equal amount of the items of indebtedness of petitioner set forth in the latter part of said affidavit of said Hees and aggregating $411,049.05, whether the same be evidenced by bills payable or by open accounts. The particular items of said indebtedness so to be canceled and discharged are to be chosen by the petitioner, but in its reports to this Commission, made in accordance with this order, as to the disposition made of the proceeds of the sale of the 5000 shares of preferred stock, it shall specify the exact items of such schedule which are paid for and discharged by capitalizing them in the said issue and sale of $500,000 of preferred stock.

Ordered: 4. That the Fonda, Johnstown and Gloversville Railroad Company shall make verified reports to this Commission, as follows: (*a*) upon

the sale of said $500,000 preferred capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of such preferred capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $500,000 preferred capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted in accordance with the terms of this order; and that such report shall be made until all the proceeds of said $500,000 preferred capital stock have been expended, pursuant to the terms of this order.

Ordered: 5. That a copy of the proposed preferred stock certificates shall be submitted to this Commission for approval before said certificates are issued.

[*See* Case No. 749, page 198.]

[Case No. 593]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the ERIE RAILROAD COMPANY, under section 55 of the Public Service Commissions Law, for authority to issue its five per cent collateral gold bonds to the amount of $30,000,000.

After due deliberation it is

Ordered: That the time of the Erie Railroad Company to accept the provisions of the order entered March 2, 1909, in the matter of the application of Erie Railroad Company to issue $30,000,000 gold bonds, be and is hereby extended thirty days.

[*See* Case No. 593, page 188.]

[Case No. 749]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
MARTIN S. DECKER,
Commissioners.

In the Matter of the Petition of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY as to capital stock.

Supplemental order.

In the above entitled matter, after due deliberation, it is

Ordered: That the form of certificate of preferred capital stock filed with the Commission on the 31st day of March, 1909, the same being attached to a certified copy of the preambles and resolutions passed and adopted at the adjourned special meeting of stockholders held March 30, 1908, be and the same is hereby approved as to form thereof.

[*See* Case No. 749, page 196.]

[Case No. 826]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

In the Matter of the Petition of the Buffalo, Lockport and Rochester Railway Company for consent to join with The Buffalo, Lockport and Rochester Rolling Stock Company in executing and delivering a mortgage on rolling stock to secure bonds.

The Buffalo, Lockport and Rochester Railway Company having filed with this Commission its petition for authority to execute and deliver to The Commonwealth Trust Company of Buffalo, jointly with The Buffalo, Lockport and Rochester Rolling Stock Company, a mortgage for $85,000, which shall be a lien upon six large interurban passenger cars completely finished and electrically equipped, with more powerful motors than those now operated by said petitioner, and capable of making faster time than the cars now operated by it; and it appearing that the said cars are to be operated by the said railway company; and it further appearing that upon the payment in ten annual equal amounts by said railway company of bonds of said rolling stock company for $85,000, with interest at 5 per cent per annum, said six cars will become the property of said railway company; and it further appearing that said rolling stock company is to issue said $85,000 in bonds at not more than 10 per cent discount, and with the proceeds pay in the first instance for said six cars; now, upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: 1. That this Commission hereby authorizes the Buffalo, Lockport and Rochester Railway Company to join with The Buffalo, Lockport and Rochester Rolling Stock Company in the execution and delivery to the Commonwealth Trust Company of Buffalo of a mortgage for $85,000, containing a guaranty that said railway company will pay, in ten annual equal amounts, principal, and interest at 5 per cent per annum, $85,000 in bonds to be issued under said mortgage at not less than 90 per cent of their par value, by The Buffalo, Lockport and Rochester Rolling Stock Company.

Ordered: 2. That the form of mortgage submitted to this Commission for its approval with said application be and the same is hereby approved.

This Commission is of the opinion that the capital to be secured by the issue of said evidence of indebtedness is reasonably required for the said purposes of the Buffalo, Lockport and Rochester Railway Company: to wit, the improvement and maintenance of its service.

[Case No. 593]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of ERIE RAILROAD COMPANY, under section 55 of the Public Service Commissions Law, for authority to issue its 5 per cent collateral gold bonds to the amount of $30,000,000.

The applicant, Erie Railroad Company, having submitted to this Commission in accordance with its order entered herein March 2, 1909, a form of proposed collateral trust indenture between Erie Railroad Company, the Standard Trust Company of New York, trustee, and J. P. Morgan & Company, bankers, securing $30,000,000 collateral trust twenty-year 5 per cent gold bonds, and having requested the Commission to approve said form of collateral trust indenture, and to make certain changes in the provisions of said order of March 2, 1909; and the Commission having examined said proposed collateral trust indenture and duly considered said request;

It is Ordered: That the aforesaid collateral trust indenture as presented to and filed with the Commission be and is hereby approved.

It is Further Ordered: That the said order of March 2, 1909, be and is hereby amended to read as follows:

Application having been made by Erie Railroad Company by petition dated November 11, 1908, under section 55 of the Public Service Commissions Law, for order authorizing the applicant to issue its 5 per cent collateral gold bonds to the amount of $30,000,000; and hearings having been duly had on said application, and the petitioner having appeared by *George F. Brownell*, its vice-president and general solicitor; and the Commission having examined such witnesses, books, papers, accounts, and reports as it deemed necessary or important to enable it to reach a determination herein, and the facts and conditions involved in this matter having been duly considered:

It is Ordered: That the applicant, Erie Railroad Company, is hereby authorized, under section 55 of the Public Service Commissions Law, to issue collateral trust gold bonds to the amount of thirty million dollars ($30,000,000) par value, maturing in not to exceed thirty years nor less than twenty years after date, and bearing not to exceed 5 per cent interest payable semi-annually, the capital to be secured by the said issue of bonds being in the opinion of this Commission reasonably required for the proper and lawful purposes of the said applicant; provided and upon the express condition that the issue and sale or exchange of the said bonds shall be upon and strictly in accordance with the restrictions and requirements hereinafter imposed; and provided further that the said bonds and proceeds thereof shall be used and applied solely and only in the manner and for the purposes hereinafter specified, as follows, to wit:

1. That a collateral trust indenture shall be duly prepared and submitted to the Commission providing for the said issue of collateral trust gold bonds as hereinafter set forth, and that this order shall become effective only upon and not until the approval of the said collateral trust indenture by this Commission expressed by resolution or supplemental order.

2. That bonds of the said issue may be issued by the applicant, Erie Railroad Company, to the amount in par value of eleven million three hundred and eighty thousand dollars ($11,380,000) for exchange and to be exchanged for a like aggregate amount at face value, namely eleven million three

hundred and eighty thousand dollars ($11,380,000) of interest obligations of the said applicant's 4 per cent general lien bonds and said applicant's 4 per cent convertible fifty-year gold bonds, but not less than 75 per cent of said amount of bonds shall be so exchanged for a like amount at face value of said combined interest obligations of said two existing issues of bonds, the said interest obligations hereby referred to being those due subsequent to June 30, 1909, and during a period of five years thereafter ending with June 30, 1914, and no others; provided, however,

a. That the said exchange of bonds herein authorized shall be upon the par value of bonds for face value of interest obligations without payment by or on behalf of the applicant of any premium or commission or of any other than indispensable expenses involved in securing consents for said exchange;

b. That the said exchange of bonds for such interest obligations shall be effected, or consents in writing for said exchange secured, before the 1st day of October, 1909, and prior to the issue or the use in any manner whatsoever of any part of the remainder of the bonds hereby authorized;

c. That if for any reason or cause the said exchange of bonds for the aforesaid interest obligations shall not be effected or consents therefor secured as hereinabove specified before said 1st day of October, 1909, or such later date as this Commission may by amendment hereafter prescribe, and prior to the issue or use in any manner of any part of the remainder of bonds hereby authorized, then and in that case this whole order and the authorization hereby granted shall cease to be effective or in anywise in force, and the record upon this application shall stand as if the said application were now in all respects denied;

d. The said interest obligations are to remain uncanceled and be deposited with the trustee named in the collateral trust indenture as security for the bonds hereby authorized.

3. That bonds of the issue hereby authorized may be issued by the applicant, Erie Railroad Company, to the amount of ten million five hundred thousand dollars ($10,500,000) par value, and exchanged by the applicant for the same amount in face value of notes which have been heretofore issued or contracted to be issued by the applicant under authorization of this Commission in its order of March 31, 1908, as amended by order entered April 6, 1908, such exchange of said bonds to be exclusive of interest on the notes accrued but not paid, which said interest on said notes, if any shall remain unpaid at the time of exchange, shall be paid from the treasury of the applicant. Such bonds shall not be used for the refunding of such notes so as to net the company less than 87½ per cent of the par value of such bonds. The said notes shall remain uncanceled and be deposited, together with any collateral attached or appertaining thereto, with the trustee named in the collateral trust indenture as security for the payment of the issue of bonds hereby authorized, in such manner as the collateral indenture shall provide.

4. That bonds of the issue hereby authorized not required or used for either of the purposes hereinbefore specified may be issued by the applicant subject to the restrictions in this order specified, and sold in whole or in part from time to time at a price not less than 87½ per cent of the par value thereof, and the proceeds from the sale of said bonds shall be used and applied to the cost of improvements and additions to the railroad property owned and operated by the applicant, or operated under its control as connected parts of its railway system, or in course of construction for its use and operation as part of its system, provided that the said improvements or additions to said property hereby referred to are those only which are specified in exhibit "H" and schedule "I" on file herein and generally described as follows, to wit:

For completing the improvements specified in said exhibit "H," $4,289,096.04, or so much thereof as may be required, the said improvements being those referred to in said exhibit: Erie & Jersey Railroad, Genesee River Railroad, Penhorn Creek Railroad, Columbus & Erie Railroad, low grade line Newburgh Junction to Highland Mills, N. Y., double tracking and connecting Greenwood Lake Division and Newark Branch with Penhorn Creek Railroad.

For improvements and additions specified in said schedule "I," which embrace additional equipment estimated to cost $8,667,347; and additional shops, machinery,

roundhouses, stations, warehouses, yards and tracks, including additional running tracks, sidings, receiving and delivery tracks, both east and west of Salamanca, and which are deemed to include any such improvements at Salamanca; cutoff tracks or lines or shortening or straightening or improving the line or grade of the applicant's roads and the lands required for said purposes, both east and west of Salamanca; elimination of grade crossings both east and west of Salamanca; water facilities east and west of Salamanca; fire protection west of Salamanca; piping yards for air east and west of Salamanca; automatic block signals on main and suburban lines and interlocking plants at various points; water softeners, locomotive cranes, and miscellaneous machinery at various points, all estimated to cost $27,355,833.33.

Provided, further, that the proceeds of said bonds may be devoted to such other improvements or additions to the railroad property of the applicant or to the payment of the principal of obligations falling due within five years from June 30, 1909, as may upon further application be approved by order of the Commission. *Provided, further,* that any of said bonds remaining unissued may also be exchanged for notes authorized by the Commission under its said order of March 31, 1908, as amended April 6, 1908, in addition to the ten million five hundred thousand dollars ($10,500,000) of said notes already issued or contracted to be issued upon the terms and conditions specified in subdivision 3 of this order, provided and only in the event that such additional notes shall be issued prior to October 1, 1909, or such later date as the Commission by amendment hereof may hereafter prescribe; *and provided, further,* that such exchange of bonds for notes hereafter issued and sold shall net the applicant in its treasury not less than 87½ per cent of par value for the bonds; and if the said notes shall be issued and sold at a discount below par, then in such exchange the said minimum of 87½ per cent of par value of the bonds shall be increased by the amount of discount below par at which such notes shall have been sold.

5. That the collateral trust indenture for the issue of bonds hereby authorized shall provide by suitable covenants for the aforesaid exchange of bonds for interest obligations, and for the said exchange of bonds for notes, and for the sale of bonds and use of the proceeds thereof, all as hereinabove provided and prescribed; and shall further provide by suitable covenants, as follows:

a. The said collateral trust indenture shall by covenant provide that an amount shall be taken from income every six months equal to the amount of interest obligations for the said six months of the aforesaid general lien and convertible bonds for which bonds hereby authorized may be exchanged, and the said amount so taken and set aside from income shall be expended during the said period of six months or within three months thereafter upon the applicant's aforesaid railroad property for improvements or additions specified in the said schedule of proposed improvements or additions filed as exhibit "H" and schedule "I" herein, and hereinabove generally described, or for such other improvements or additions to the applicant's railroad property as may be substituted by special order of this Commission. The said period of six months shall commence with July 1, 1909, and run from July 1 to January 1, and from January 1 to July 1, in each succeeding year during which interest obligations so exchanged as herein provided shall accrue or would have accrued. The intent and effect hereof is that at the end of the said five-year period an amount equal to said funded interest shall have been expended from income for additions and improvements to the applicant's said property as hereinabove specified. Any amount of money expended from income for such additions and improvements subsequent to January 1, 1909, or during any of the said six months' periods in excess of the amount hereby required, shall be credited to the required expenditure for the next period of six months, and the excess carried over from period to period of six months each as may result from such excess expenditures. The collateral trust indenture shall also provide for defeasance in case of failure on the part of Erie Railroad Company, applicant herein, to so set aside and expend from income for such additions and improvements an amount equal to said interest obligations every six months as aforesaid, and for foreclosure proceedings based thereon to be instituted by the trustee named in said indenture upon the request of 26 per cent of the holders of the bonds hereby authorized;

b. The said collateral trust indenture shall also contain suitable covenant embracing the refunding of the aforesaid notes to the amount of ten million five hundred thousand dollars ($10,500,000), or such amount in addition thereto as may be issued prior to October 1, 1909, the exchange of which for bonds hereby authorized is hereinabove provided for, but that said indenture shall not relate to the refunding of notes authorized to be issued by the applicant in said order of the Commission of March 31, 1908, as amended April 6, 1908, other than or in excess of the amount of said notes which may be issued prior to October 1, 1909;

c. The said collateral trust indenture shall contain suitable provisions retaining the security for the notes provided for in the trust indenture relating thereto for which bonds hereby authorized may be exchanged.

6. That in the event that the applicant, Erie Railroad Company, shall issue and sell prior to October 1, 1909, notes of the said issue authorized by order of the Commission of March 31, 1908, as amended April 6, 1908, in addition to those already issued or contracted to be issued to the amount of ten million five hundred thousand dollars ($10,500,000), and in the event that such additional notes are issued before October 1, 1909, and the proceeds thereof shall be used for funding or paying interest obligations of said general lien bonds or the said convertible gold bonds or any other mortgage lien whatsoever or the interest upon any equipment trust or other obligation of the company, and the said notes shall be exchanged for any of the bonds hereby authorized as above provided, the said applicant shall set aside and expend from income during the calendar year in which the said exchange of bonds for said notes has been effected for improvements or additions as hereinabove described, an amount equal to the amount of interest coupons or interest so funded or paid; and all the provisions of paragraph *a* of subdivision 5 herein, except as to the dates therein mentioned, which for this purpose shall be the calendar year, shall apply thereto.

7. That if the applicant, Erie Railroad Company, shall during any one year of the five-year period from June 30, 1909, to and including June 30, 1914, fail to expend from income on improvements or additions to its property as hereinabove specified an amount equal to the yearly interest so refunded by exchange of bonds hereby authorized for interest obligations of said general lien and convertible bonds as aforesaid, or an amount equal to any interest paid or funded by the issue of additional notes as above specified during the calendar year in which the said notes were exchanged for bonds hereby authorized, the difference between such amount of money and the amount of money actually expended, or all of such amount of money if none has been so expended from income, shall be so expended within a period of not less than three months, to be fixed by the Commission, but any amount of money expended by the applicant from income for said improvements or additions in any one year in excess of the amount of money required to equal the yearly interests so refunded shall be credited to the required expenditure for the ensuing year.

8. That the applicant, Erie Railroad Company, shall not issue notes under the order of the Commission of March 31, 1908, authorizing an issue of notes to the amount of fifteen million dollars ($15,000,000), and the amending order of April 6, 1908, beyond the said amount of ten million five hundred thousand dollars ($10,500,000) already issued or contracted to be issued and the amount of said notes which may be issued in addition thereto, prior to October 1, 1909.

9. That there shall not at any time be outstanding of the bonds hereby authorized and the notes issued by the applicant pursuant to the order of this Commission under date of March 31, 1908, as amended April 6, 1908, an amount which shall aggregate more than thirty million dollars ($30,000,000), provided that such aggregate shall not include such of said notes as may be refunded and deposited as collateral under the indenture securing said bonds.

10. That the applicant, Erie Railroad Company, shall make full and detailed report to this Commission once in each six months of its action and

operations under this order, including the expenditure of money from income for improvements and additions to its property as herein provided.

11. That the applicant, Erie Railroad Company, shall prior to May 3, 1909, notify the Commission whether it accepts this order with all of the provisions and conditions thereof. In case of non-acceptance by the applicant within such time, further order will be entered herein as may appear to be required.

[*See* Case No. 593, page 188.]

[Case No. 865]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of FRANK SULLIVAN SMITH AS RECEIVER OF THE PITTSBURG, SHAWMUT AND NORTHERN RAILROAD COMPANY, for approval under section 55 of the Public Service Commissions Law of receiver's certificates to the aggregate amount of $1,600,000.

On reading and filing the petition of Frank Sullivan Smith as receiver of The Pittsburg, Shawmut and Northern Railroad Company, and certified copies of the orders of courts hereinafter described, and after due deliberation, it is

Ordered: 1. Under section 55 of the Public Service Commissions Law, that Frank Sullivan Smith, as receiver of The Pittsburg, Shawmut and Northern Railroad Company, be and he is hereby authorized to issue his certificates of indebtedness to the aggregate amount of $1,600,000, pursuant to an order of the Supreme Court of the State of New York granted on the 10th day of April, 1909, at a Special Term thereof held in and for the county of Allegany at the courthouse in the village of Belmont, and also pursuant to an order of the Circuit Court of the United States for the Western District of Pennsylvania, granted by said Court on the 12th day of April, 1909; said certificate of indebtedness to be in all respects conformable to and in pursuance of the said orders, and bearing interest at a rate not exceeding 6 per centum per annum, payable semiannually, and to be sold only at par;

Ordered: 2. That the capital to be secured by the issue of such certificates of indebtedness be used and applied exclusively to the following purposes:

1. To discharge or refund the certificates of said receiver to the amount of $200,000, said certificates having been authorized by the Supreme Court of the State of New York by an order dated August 21, 1905, and by a further order of the United States Circuit Court for the Western District of Pennsylvania, said certificates being those maturing September 1, 1910;

2. The certificates of said receiver issued to the amount of $622,000, pursuant to orders of the Supreme Court of the State of New York dated May 10 and May 19, 1906, and subsequent orders of the United States Circuit Court for the Western District of Pennsylvania, said certificates maturing March 1, 1911;

3. Receiver's certificates pledged as collateral to loans, pursuant to orders of the Supreme Court of the State of New York and United States Circuit Court for the Western District of Pennsylvania, to the amount of $248,000;

4. To the construction of the State Line branch of the Pittsburg, Shawmut and Northern railroad from S. M. Junction, Cattaraugus county, New York, to Corryville, Penna., $450,000;

5. For cutting down summits and division of grades at Wildwood, Wennendorf, and Five Mile, Pennsylvania, $25,000;

6. For providing for maturing obligations upon certain coal lands as described and set forth in the petition of the said receiver and in the papers and proceedings had in the Supreme Court and United States Circuit Court, as aforesaid, $55,000;

That in the opinion of the Commission the use of the capital to be secured by the issue of such certificates of indebtedness is reasonably required for the aforesaid purposes of the said receiver;

Ordered: 3. That said receiver shall make verified reports to this Commission, as follows: (*a*) upon the sale of said certificates or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made, in accordance with the terms of this order, of the proceeds of such certificates, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of such certificates so sold have been expended, pursuant to the terms of this order; (*c*) upon the discharge or refunding of receiver's certificates or obligations referred to in this order, the facts in relation to such discharge or refunding of such certificates.

[Case No. 816]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ROCHESTER AND MANITOU RAILROAD COMPANY, under subdivision 10, section 4 of the Railroad Law for consent to issue a first mortgage for $60,000; and under section 55 of the Public Service Commissions Law for authority to now issue $50,000 in bonds to be secured by said mortgage.

The Rochester and Manitou Railroad Company having on April 3, 1909, filed with this Commission its petition, under subdivision 10, section 4 of the Railroad Law for consent to issue a first mortgage for $50,000; and under section 55 of the Public Service Commissions Law for authority to issue $50,000 in bonds to be secured by said mortgage; and a hearing on said petition having been held by this Commission in the city of Albany on April 5, 1909, *Kendall B. Castle* appearing for the petitioner; and the petitioner having subsequently amended its petition so that it now asks authority to issue a first mortgage for $60,000, and to issue now $50,000 in bonds to be secured by said mortgage; and it appearing from the petition and amended petition, and evidence at the hearing, as well as from the affidavits of David Hyman, Robert J. Reidpath, and Frank E. Pritchard, that the proceeds of said bonds are to be used to construct a concrete viaduct and trestle at Braddock's Bay on the line of said company's railroad, together with necessary rails, poles, trolley wires, brackets, and guard-rails on said trestle, to purchase three completely equipped passenger cars, for new switches and ties

and work of laying the same, for improvement of the company's overhead wire line, for a new signal system and telephones, for protecting the company's roadbed along Lake Ontario by construction of additional breakwater and improving the present breakwater, the estimate of the cost of all of which is $45,700; and it appearing to this Commission that the use of the capital to be secured by the issue by this petitioner of the mortgage and mortgage bonds hereinafter authorized is reasonably required for the said purposes of the corporation, now, upon the aforesaid petition, amended petition, affidavits, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under subdivision 10 of section 4 of the Railroad Law this Commission hereby consents to the issue by the Rochester and Manitou Railroad Company of a first mortgage upon all of the property and franchises of said company to secure the payment of $60,000 in bonds;

Ordered: 2. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes the Rochester and Manitou Railroad Company to issue $50,000 in bonds to be secured by said mortgage, said bonds to bear interest at 5 per cent per annum and to be payable twenty years after date;

Ordered: 3. That said $50,000 in bonds shall not be sold for less than 85 per cent of their par value;

Ordered: 4. That the proceeds of said $50,000 in bonds shall be used by said company to construct a concrete viaduct and trestle at Braddock's Bay on the line of said company's railroad, together with necessary rails, poles, trolley wires, brackets, and guard-rails on said trestle, to purchase three completely equipped passenger cars, for new switches and ties and work of laying the same, for improvement of the company's overhead wire line, for a new signal system and telephones, for protecting the company's roadbed along Lake Ontario by construction of additional breakwater and improving the present breakwater, and for no other purpose or purposes;

Ordered: 5. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $50,000 in bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value of said bonds; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $50,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said $50,000 in bonds have been expended, pursuant to the terms of this order.

[Case No. 827]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE GREAT SOUTH BAY FERRY COMPANY for authority to execute and deliver a mortgage.

After due deliberation it is

Ordered: That the consent of this Commission be given that The Great South Bay Ferry Company may execute and deliver to the Bankers Trust

Company as trustee, a mortgage upon its property and franchises to secure the payment of the maximum amount of $30,000, said amount to be evidenced by coupon bonds of the denomination of $500 each, bearing interest at the rate of 5 per cent per annum, payable semiannually, and maturing in thirty years, said mortgage to be in substantially the form submitted by said company upon its application for such consent, such consent being upon the condition that no bonds or other evidence of indebtedness be issued pursuant to the terms and conditions of said mortgage until the further authorization of this Commission for such issue be given.

[*See* case following.]

[Case No. 827]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE GREAT SOUTH BAY FERRY COMPANY, under section 55 of the Public Service Commissions Law, for authority to issue mortgage bonds.

The Great South Bay Ferry Company having on April 12, 1909, filed with this Commission its petition, under section 55 of the Public Service Commissions Law, for authority to issue $23,000 in bonds to be secured by a mortgage for $30,000 on its property and franchises, said petition also asking authority to the execution and delivery of said mortgage; and a hearing on said petition, after public notice, having been held by this Commission in the Capitol, Albany, on April 22, 1909, *H. C. Mitchell* appearing for the petitioner and no one else appearing; and it appearing from the petition, papers filed, and evidence at the hearing, that the proceeds of said bonds are to be used for the discharge of the lawful obligations of said company and the improvement of its facilities; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That The Great South Bay Ferry Company be and it is hereby authorized to issue its thirty-year 5 per cent coupon bonds secured by its mortgage to the Bankers Trust Company, for which consent has been given by this Commission, to the maximum amount par value of $23,000, at a price not less than 80 per cent of such par value, the proceeds of said bonds to be used for the following purposes and no other: to wit, to the discharge of its lawful obligations, as follows: (1) its note to the order of the Seashore Municipal Railroad Company for $9478.96; its note to the order of R. M. Lamb for $1637; its note to the order of R. M. Lamb for $100; other indebtedness and accounts to the amount of $2800; (2) the balance to the improvement of its facilities as set forth in its application for this authorization; the use of the capital to be secured by the issue of such bonds being in the opinion of the Commission reasonably required for the said purposes of the corporation;

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $23,000 in mortgage bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 80 per cent of the par value of said bonds; (*b*) at the termination of each and every

period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order.

[*See* case preceding.]

[Case No. 858]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of LESLIE SUTHERLAND AS RECEIVER OF THE YONKERS RAILROAD COMPANY, for approval under section 55 of the Public Service Commissions Law of the issuance of receiver's certificates in the sum of $100,000.

On reading and filing the petition of Leslie Sutherland as receiver of the Yonkers Railroad Company, for authority to issue as said receiver, receiver's certificates to an amount not exceeding $100,000, bearing interest at a rate not exceeding 6 per cent per annum, and to be made payable not exceeding two years from the date thereof; and it appearing that the said issue of certificates by said receiver was duly authorized by Mr. Justice Morschauser of the Supreme Court of the State of New York by order entered in Westchester county on the 19th day of April, 1909, said order setting forth the purposes for which the proceeds of said certificates to be issued are to be used: namely, in the renewal, re-laying, and reconstruction of tracks in the city of Yonkers now laid and operated upon by cars of the Yonkers Railroad Company, and the purchase of new rails and new switches, ties, fittings, and all other things necessary to properly lay railroad tracks in public highways for traffic thereon by electric power; and it being the opinion of this Commission that the use of the capital to be secured by the issue of said receiver's certificates is reasonably required for said purposes, it is

Ordered: 1. That under section 55 of the Public Service Commissions Law this Commission hereby authorizes Leslie Sutherland as receiver of the Yonkers Railroad Company to issue certificates as such receiver to an amount not exceeding $100,000, to bear interest at not to exceed 6 per cent per annum, and to be payable in not less than two years from the date thereof, said certificates to be those authorized by the said order of Mr. Justice Morschauser;

Ordered: 2. That said certificates shall not be issued for property or sold for cash at less than the par value of said certificates;

Ordered: 3. That the said certificates or the proceeds thereof shall be used solely for the purposes of the renewal, re-laying, and reconstruction of tracks in the city of Yonkers now laid and operated upon by cars of the Yonkers Railroad Company, and the purchase of new rails and new switches, ties, fittings, and all other things necessary to properly lay railroad tracks in public highways for traffic thereon by electric power;

Ordered: 4. That said receiver shall make verified reports to this Commission, as follows: (*a*) upon the sale for cash of said certificates or any of them, or the issuance for property of said certificates or any of them, the

fact of such sale for cash or issuance for property, and the terms and conditions thereof, and the dates of the certificates issued; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made, in accordance with the terms of this order, of the cash or property for which said certificates were issued; and that such reports shall be made until all of the proceeds of said certificates have been thus accounted for.

[Case No. 942]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY as to issuing mortgage bonds.

Upon the petition of the Western New York and Pennsylvania Traction Company as to issuing mortgage bonds, filed with this Commission June 8, 1909, and after due deliberation, it is

Ordered: 1. That the Western New York and Pennsylvania Traction Company be and hereby is authorized to issue its fifty-year 5 per cent gold bonds, secured by its first refunding mortgage heretofore executed to the Colonial Trust Company, trustee, to the aggregate amount of $26,000, pursuant to the terms and conditions of the said mortgage, upon condition that the said bonds and the proceeds thereof be used for the following purposes and no other: to wit, that they be used for the purchase, exchanging, or retiring of underlying bonds which are a lien on the properties of the said Western New York and Pennsylvania Traction Company to the amount of $26,000, said bonds hereby authorized to be issued to be exchanged for the said underlying outstanding bonds par for par; that in the opinion of this Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the said corporation.

Ordered: 2. That said Western New York and Pennsylvania Traction Company shall upon the purchase, exchange, or retirement, in accordance with the terms of this order, of said $26,000 underlying bonds, file with this Commission a verified report of the details of such transaction.

[Case No. 956]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BOSTON AND ALBANY RAILROAD COMPANY for authority to issue its twenty-five year 4 per cent improvement bonds of 1909 to the amount of $4,500,000.

The Boston and Albany Railroad Company having on June 10, 1909, filed with this Commission its petition for authority to issue its twenty-five year 4 per cent improvement bonds of 1909 to the amount of $4,500,000, said bonds to bear date of May 1, 1909, and to be payable twenty-five years from said date, and to bear interest at a rate not to exceed 4 per cent per annum; and it appearing that the capital to be secured by the issue of said bonds is to be used for paying the cost of certain permanent additions to and improvements upon the railroad property of said company made or to be made by The New York Central and Hudson River Railroad Company to and upon said property in accordance with the provisions of the lease between said companies and as described in the schedules attached to the petition of said Boston and Albany Railroad Company; now, after due deliberation, it is

Ordered: 1. That the Boston and Albany Railroad Company be and it is hereby authorized to issue its twenty-five year 4 per cent improvement bonds of 1909, and to be payable twenty-five years from said date, and to bear interest at a rate not to exceed 4 per cent per annum; it being the opinion of this Commission that the use of the capital to be secured by the issue of said bonds is reasonably required for the acquisition of property and the construction, extension, and improvement of the facilities of said company;

Ordered: 2. That said bonds be sold at not less than par;

Ordered: 3. That the proceeds of said bonds be used in accordance with the terms and conditions of the order of the Board of Railroad Commissioners of the State of Massachusetts dated June 1, 1909, and of any subsequent orders of said board of railroad commissioners with respect thereto;

Ordered: 4. That said Boston and Albany Railroad Company, or its lessee, The New York Central and Hudson River Railroad Company, shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less than par; (*b*) at the expiration of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted.

[*See* case following.]

[Case No. 956]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, lessee of the Boston and Albany Railroad, for authority to guarantee the payment of the twenty-five year 4 per cent improvement bonds of the Boston and Albany Railroad to the amount of $4,500,000.

The New York Central and Hudson River Railroad Company having on June 10, 1909, filed with this Commission its petition for authority to guarantee the payment of the twenty-five year 4 per cent improvement bonds of the Boston and Albany Railroad Company to the amount of $4,500,000, said guaranty being required by and in conformity to the terms of the lease of the Boston and Albany Railroad to said New York Central and Hudson River Railroad Company dated November 15, 1899; and it appearing that the proceeds of said bonds are to be used for paying the cost of permanent improvements and additions to the said leased railroad property which are an improvement of the facilities of said lessee company, it is

Ordered: That The New York Central and Hudson River Railroad Company be and it hereby is authorized to guarantee the payment of the twenty-five year 4 per cent improvement bonds of the Boston and Albany Railroad Company to the amount of $4,500,000, the issue of which by said Boston and Albany Railroad Company has been authorized by the cotemporaneous resolution of this Commission; it being the opinion of this Commission that the use of the capital to be secured by the issue of said bonds is reasonably required for said purposes of The New York Central and Hudson River Railroad company.

[*See* case preceding.]

[Case No. 963]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of ERIE RAILROAD COMPANY for authority to issue bonds to the amount of $1,000,000 under its first consolidated mortgage deed dated December 10, 1895.

Application having been made by Erie Railroad Company by petition dated May 27, 1909, under section 55 of the Public Service Commissions Law for an order authorizing the applicant to issue $1,000,000 4 per cent general lien bonds under its first consolidated mortgage deed dated December 10, 1895,

to the Farmers Loan and Trust Company, trustee; and a hearing having been had on said application and the petitioner having appeared by *George F. Brownell*, its vice-president and general solicitor, and the Commission having examined such witnesses, books, papers, accounts, and reports as it deemed necessary or important to enable it to reach a determination herein; and being of the opinion that the use of the capital to be secured by the issue of said bonds herein authorized is reasonably required for the proper and lawful purposes of the petitioner hereinafter mentioned;

It is Hereby Ordered: First, that the applicant, Erie Railroad Company, be and it hereby is authorized to issue $1,000,000 4 per cent general lien bonds under its first consolidated mortgage deed, so called, dated December 10, 1895, to the Farmers Loan and Trust Company, trustee; and said Erie Railroad Company is further authorized to pledge said bonds as security under its collateral trust indenture dated April 8, 1908, to the Bankers Trust Company of New York, trustee, securing an issue of $15,000,000 6 per cent collateral gold notes dated April 8, 1908, and payable April 8, 1911.

Second, said Erie Railroad Company shall not, without further authority from this Commission, sell any of said general lien bonds hereby authorized to be issued for less than 85 per cent of their par value; and in case said bonds are pledged under said collateral trust indenture as aforesaid, said Company shall not, without such further authority, sell any of the bonds hereby authorized and so pledged or any of the bonds authorized to be issued and pledged under said collateral indenture by the order of this Commission under date of March 31, 1908, prior to the payment and discharge of the notes issued under said collateral trust indenture so that there shall at any time be outstanding an amount of said bonds so sold and of such outstanding notes for a combined aggregate principal sum exceeding $16,000,000.

Third, that the bonds hereby authorized, or the proceeds thereof, shall be used and applied by said Erie Railroad Company towards the cost of improvements and additions to the railroad property owned and operated by the applicant, or operated under its control as connected parts of its railway system, provided that said improvements or additions to said property hereby referred to are those only which are specified in schedule "I" referred to in the petition herein, and are generally described as follows, to wit: For improvements and additions specified in said schedule "I", which embrace additional equipment estimated to cost $8,667,347; and additional shops, machinery, roundhouses, stations, warehouses, yards and tracks, including additional running tracks, sidings, receiving and delivery tracks, both east and west of Salamanca, and which are deemed to include any such improvements at Salamanca; cutoff tracks, or lines or shortening or straightening or improving the line or grade of the applicant's roads and the lands required for said purposes, both east and west of Salamanca; elimination of grade crossings both east and west of Salamanca; water facilities east and west of Salamanca; fire protection west of Salamanca; piping yards for air east and west of Salamanca; automatic block signals on main and suburban lines and interlocking plants at various points; water softeners, locomotive cranes, and miscellaneous machinery at various points, all estimated to cost $27,355,833.33; or towards the payment of the principal of outstanding equipment trust obligations referred to in said petition or for one or more of said purposes; and provided further that in case said bonds shall be pledged under said collateral indenture dated April 8, 1911, said Erie Railroad Company shall from the proceeds of the notes issued or to be issued under said indenture set aside an amount equal to 85 per cent of the par value of said bonds, which said sum shall be expended by said Company for one or more of the above mentioned purposes.

Fourth, said Erie Railroad Company shall make a verified report at the termination of each period of six months from the date of this order showing the use and application made by it of said bonds or the proceeds of said bonds, and setting forth in reasonable detail the purposes to which such bonds or their proceeds, or the amount hereinbefore provided to be set aside in case said bonds shall have been pledged as aforesaid, have been devoted;

and such reports shall be made until all of said bonds or their proceeds, or the amount so set aside, shall have been used, pursuant to the provisions of this order.

[Case No. 988]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Joint Petition of THE LEHIGH VALLEY RAIL WAY COMPANY and the LEHIGH VALLEY RAILROAD COMPANY as to $202,000 in capital stock of The Lehigh Valley Rail Way Company.

The Lehigh Valley Rail Way Company and the Lehigh Valley Railroad Company having on June 28, 1909, filed with this Commission a joint petition for consent to the issue by The Lehigh Valley Rail Way Company of $202,000 par value of its capital stock, in full payment of the debt existing against it, now held by the Lehigh Valley Railroad Company, on account of expenditures heretofore made by the Lehigh Valley Railroad Company in construction of additions and betterments to and the acquisition of property for the railroad of The Lehigh Valley Rail Way Company; now, upon said petition and papers filed, and after due deliberation, it is

Ordered: 1. That The Lehigh Valley Rail Way Company be and it is hereby authorized to issue 2020 shares of its common capital stock of the par value of $202,000 to the Lehigh Valley Railroad Company, in full payment of an indebtedness of the said Lehigh Valley Rail Way Company to the said Lehigh Valley Railroad Company of the same amount, which indebtedness was incurred in construction of additions and betterments to and the acquisition of property for the railroad of said railway company such as is the proper subject of capitalization. That in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation. That the said Lehigh Valley Railroad Company be and it is hereby authorized to take and hold the said 2020 shares of stock.

Ordered: 2. That upon the completion of said transaction a jointly verified report shall be made to this Commission by said companies, setting forth the facts of said transaction, in accordance with the terms of this order.

[Case No. 984]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to a mortgage and mortgage bonds.

The New York Central and Hudson River Railroad Company having on June 26, 1909, filed with this Commission its petition praying that the

Commission authorize it to execute an indenture and agreement accompanying the petition and hereinafter more particularly described, and to issue its bonds to be secured by a mortgage upon the property of The Spuyten Duyvil and Port Morris Railroad Company; and a hearing on said petition having been held by this Commission in the city of Albany on July 1, 1909, *Albert H. Harris* appearing for the petitioner; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That The New York Central and Hudson River Railroad Company be and it is hereby authorized, as follows: To enter into, execute, and deliver the indenture and agreement dated the 1st day of June, 1909, a copy of which is annexed to the petition of said company dated the 23rd day of June, 1909, and verified the 25th day of June, 1909, by E. V. W. Rossiter, a vice-president of said company, said indenture being made by The Spuyten Duyvil and Port Morris Railroad Company as party of the first part, The New York Central and Hudson River Railroad Company as party of the second part, and Central Trust Company of New York as trustee as party of the third part;

Ordered: 2. That the said The New York Central and Hudson River Railroad Company be and it is hereby authorized to issue upon the security of said indenture and agreement its first series of 3½ per cent fifty-year gold bonds to the aggregate amount of $2,500,000, and no more without the further authorization of this Commission; said bonds to be sold for not less than 95 per cent of their par value and the proceeds of such issue to be used for the following purposes only, and not otherwise: (*a*) to the amount of $2,341,687.93 par value less the proportional amount of discount thereon, if any, for the construction, completion, extension, and improvement of its facilities as set forth in detail and described in schedule "C" annexed to the joint petition of said company and the Geneva, Corning and Southern Railroad Company dated and verified the 30th day of June, 1909; (*b*) to the amount of $158,312.07 par value less the proportional amount of discount thereon, if any, for the construction of a tunnel and increase of tracks from two to four upon the road of The Spuyten Duyvil and Port Morris Railroad Company leased to said company, between Spuyten Duyvil and Kingsbridge; in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation;

Ordered: 3. That said The New York Central and Hudson River Railroad Company shall on the 31st day of December, 1909, and the 30th day of June, 1910, and on the 31st day of December and 30th day of June of each year thereafter until the transactions herein authorized are fully completed and the moneys all expended, make verified reports to this Commission of the sale or sales of said bonds, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value, and the disposition and use made of the proceeds of said bonds, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted.

[Case No. 989]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the GENEVA, CORNING AND SOUTHERN RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to execution of a mortgage, the issuance and assumption of mortgage bonds, and the guaranty of dividends on stock.

The Geneva, Corning and Southern Railroad Company and The New York Central and Hudson River Railroad Company having on July 1, 1909, filed with this Commission their joint petition praying that the Commission give its consent to and approval of the execution by the Geneva, Corning and Southern Railroad Company of a mortgage, to the issuance presently by The New York Central and Hudson River Railroad Company of its bonds in the amount of $3,744,000, and to the assumption of their payment by the Geneva, Corning and Southern Railroad Company as provided in said mortgage, The New York Central and Hudson River Railroad Company also asking the approval of this Commission to the guaranty by it of dividends upon the stock of the Geneva, Corning and Southern Railroad Company, and that it, The New York Central and Hudson River Railroad Company, be authorized to sell and dispose of said $3,744,000 of said bonds for the purpose of meeting its expenditures for and on account of betterments, additions, and improvements of and to its own property and for other purposes hereinafter specified; and a hearing on said petition having been held by this Commission in the city of Albany on July 1, 1909, *Albert H. Harris* appearing for the petitioners; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the consent of this Commission be and it is hereby given that the Geneva, Corning and Southern Railroad Company and The New York Central and Hudson River Railroad Company may enter into, execute, and deliver the first and refunding mortgage upon the property of the Geneva, Corning and Southern Railroad Company, dated the 1st day of May, 1909, a copy of which is annexed to and made a part of such petition, and that the Secretary of this Commission be directed to execute any and all consents which may be required by law in addition to the formal order to be entered in pursuance hereof;

Ordered: 2. That The New York Central and Hudson River Railroad Company be and it is hereby authorized to issue its fifty-year 4 per cent gold bonds upon the security of the aforesaid mortgage, to the aggregate amount of $3,744,000, said bonds to be sold at not less than 95 per cent of their par value;

Ordered: 3. That the capital to be secured by the issue of said bonds shall be applied to the following purposes and no others: to wit, (*a*) to the payment of the second mortgage bonds of the Syracuse, Geneva and Corning Railway Company, $600,000; (*b*) to the construction of additional yard facilities at Corning, and of a passing siding at Stokesdale Junction, and of bridges at Lawrenceville, on the line of the Geneva, Corning and Southern Railroad, $528,000; (*c*) to the construction, extension, and improvement of the facilities of The New York Central and Hudson River Railroad Company as specified and described in schedule "C" annexed to the aforesaid petition, the sum of $2,616,000;

Ordered: 4. That the Geneva, Corning and Southern Railroad Company be and it is hereby authorized to assume the payment of the bonds herein authorized to be issued by The New York Central and Hudson River Railroad Company, as is provided in the aforesaid mortgage authorized to be made by the said company;

Ordered: 5. That The New York Central and Hudson River Railroad Company be and it is hereby authorized to guarantee the dividends upon the stock of the Geneva, Corning and Southern Railroad Company, as provided in the lease of the property of said company to the said New York Central and Hudson River Railroad Company;

Ordered: 6. That said railroad companies shall on the 31st day of December, 1909, and the 30th day of June, 1910, and on the 31st day of December and 30th day of June in each year thereafter until the transactions herein authorized are fully completed and the moneys all expended, make verified reports to this Commission of the sale or sales of said bonds, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value, and the disposition and use made of the proceeds of said bonds, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted; in the opinion of the Commission the use of the capital to be secured by the issue of said mortgage and bonds is reasonably required for the said purposes of the corporation.

[Case No. 750]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of ALBANY AND HUDSON RAILROAD COMPANY for leave to issue $100,000 additional bonds under its first mortgage now existing and heretofore made to Colonial Trust Company, now The Trust Company of America, Trustee.

After due deliberation it is

Ordered: That the above entitled matter be and it is hereby closed on the records of the Commission, application having been withdrawn by letter of Randall J. LeBoeuf, counsel, dated July 13, 1909.

[Case No. 823]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the DELAWARE AND EASTERN RAILWAY COMPANY, under section 55 of the Public Service Commissions Law, for authority to issue capital stock and mortgage bonds.

The Delaware and Eastern Railway Company having on April 5, 1909, filed with this Commission its petition under section 55 of the Public Service Commissions Law for authority to issue capital stock of said company to the amount of $4,880,000, and for authority to issue mortgage bonds of said company to the amount of $6,500,000; and a public hearing on said petition having been held in the city of Albany on April 19, 1909, *Edward J. Welch* appearing for the petitioner; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Delaware and Eastern Railway Company be and is hereby authorized, pursuant to section 55 of the Public Service Commissions Law, to issue its capital stock to the amount par value of $2,050,000, and its fifty-year 5 per cent gold bonds secured by its mortgage dated the 1st day of July, 1907, executed to the Empire Trust Company of New York city, to the amount of $4,570,000 par value, said bonds to be sold at not less than 80 per cent of their par value and accrued interest, if any, except that said company is hereby authorized to dispose of said bonds to the amount of $3,500,000 par value in accordance with the terms of a proposed underwriting agreement for the sale of that amount of said bonds, a printed copy of which agreement is filed with this Commission; that the capital to be secured by the issue of said stock and bonds be used for the following purposes and no others: to wit, for the construction of its proposed road, including purchase of right of way, construction of roadbed and track, bridges, switches, turntables, stations, water stations, shops, roundhouses, sign-boards, track scales and rolling stock, as set forth in the first twelve items on page 42 of the petition of said company; that none of such capital shall be used for any of the purposes set forth in said application and enumerated in number two of this order; that in the opinion of the Commission the use of the capital to be secured by the issue of said stock and bonds is reasonably required for the said purposes of the corporation;

Ordered: 2. That the following matters set forth in the petition of said corporation for which it desires the authorization of this Commission to issue stock and bonds be and are not passed upon at this time, but be and are reserved for further proof and consideration:

For purchase of bonds of D. & E. Railroad Co	$1,050,000
For purchase of stock of D. & E. Railroad Co	300,000
For liquidation of indebtedness of D. & E. Railroad Co	400,000
Tax on mortgage	27,500
Taxes two years	50,000
Tax upon stock to be issued	2,100
Expense of procuring order, etc	500
Expense of marketing securities	275,000
Interest on bond issue during construction	650,000
Compensation of officers during construction	100,000
Promotion expenses	275,000
Loss on operation during construction	50,000
Total	$3,180,100

that upon further hearing this Commission will make such order respecting such matters as shall seem just and proper;

Ordered: 3. That said company shall make verified reports to this Commission at the expiration of each three months from the date of this order, the first report to be made as of September 30, 1909, as follows: (*a*) the facts in relation to the sale of said $2,050,000 in capital stock, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) the facts in relation to the sale of said $4,570,000 in mortgage bonds, the terms and conditions of sale in accordance with the terms of this order, and the amounts realized therefrom in accordance with the terms of this order; (*c*) the disposition and use made of the proceeds of said capital stock and said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; that said reports shall be made until all of said capital stock and said mortgage bonds have been sold and the proceeds expended, pursuant to the terms of this order.

[Case No. 825]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY, under subdivision 10, section 4, Railroad Law for consent to execute and deliver to the New York Trust Company a general refunding mortgage for $20,000,000, and under section 55 of the Public Service Commissions Law for authority to issue $12,910,000 4 per cent 50-year gold bonds to be secured by said mortgage.

Central New England Railway Company having on April 12, 1909, filed with the Commission its petition under subdivision 10, section 4, of the Railroad Law for consent to execute and deliver to the New York Trust Company a general refunding mortgage for $20,000,000, and under section 55 of the Public Service Commissions Law for authority to issue $12,910,000 4 per cent 50-year gold bonds to be secured by said mortgage, of which $9,533,000 is proposed to be immediately issued; Charles S. W. Packard and others, a committee of holders of general mortgage bonds of the Central New England Railway, having intervened and filed an answer to said petition; and public hearings on said petition, after due notice, having been held by this Commission in the city of Albany on the 29th day of April, 1909, and on the 11th day of May, 1909, the petitioner, Central New England Railway, appearing by *C. M. Sheafe, jr.*, and *E. D. Robbins* of counsel; and *John Douglas Brown* appearing for such committee of holders of general mortgage bonds in opposition; now, upon the aforesaid petition, answer, papers and brief filed, and evidence at the hearings, after due deliberation, it is

Ordered: That said application for consent to the execution by Central New England Railway Company of a mortgage to the New York Trust Company as trustee, and for authorization to issue presently upon the security of said mortgage its 50-year 4 per cent gold bonds to the amount of $9,533,000, be and it is hereby denied.

[Case No. 1056]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY for permission to issue bonds pursuant to section 55 of the Public Service Commissions Law, under an existing equipment agreement with the Guaranty Trust Company of New York, series "E," and under a proposed equipment agreement series "G".

Buffalo, Rochester and Pittsburgh Railway Company having on the 5th day of August, 1909, filed with this Commission its petition under section 55 of the Public Service Commissions Law for permission to issue $580,000 series "E" 4½ per cent bonds to be sold at not less than 98 per cent and interest, under an existing equipment agreement with Guaranty Trust Company of New York, series "E," and for the approval of a proposed equipment agreement with said Guaranty Trust Company, series "G," and for leave to issue 4 per cent bonds thereunder to an amount par value, sold at not less than 94½ per cent of said par value, as the proceeds will when added to the proceeds of said series "E" bonds to the amount of $580,000 sold at not less than 98 per cent of the par value thereof, and the proceeds of bonds of said company issued pursuant to the terms of its equipment agreement series "F" to the amount par value of $183,000, be equal to the sum of $1,575,900, being the total cost less 10 per cent of 1000 coal cars and 1000 box cars contracted for at the sum of $1,751,000; and the Commission being of the opinion from the petition and accompanying papers that the use of the capital to be secured by the issue of said 4½ per cent bonds to the amount par value of $580,000 series "E," and 4 per cent bonds series "G" to the amount hereinafter stated, is reasonably required for the purposes of the corporation: viz. the acquisition and purchase of equipment described in the petition and accompanying papers; now, upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: That Buffalo, Rochester and Pittsburgh Railway Company be and it is hereby authorized as follows: 1. To enter into an agreement with Guaranty Trust Company of New York, known as equipment agreement series "G," a copy of which proposed agreement is annexed to the petition of said company for this authorization and now on file with this Commission; 2. To issue its bonds to the amount par value of $580,000, upon the security and pursuant to the terms of its certain agreement with Guaranty Trust Company of New York dated May 1, 1904, and known as equipment agreement, series "E," a copy whereof is filed with this Commission, said bonds maturing May 1, 1922, and bearing interest at the rate of 4½ per cent per annum, said bonds to be sold at not less than 98 per cent of the par value thereof and interest; 3. To issue its 4 per cent bonds upon the security and pursuant to the terms of the aforesaid equipment agreement series "G" to an amount hereinafter fixed, said bonds to be sold at not less than 94½ per cent of the par value thereof and interest; the amount of said bonds which may be issued pursuant to this authorization shall be such an amount par value, sold at not less than 94½ per cent of said par value, as the proceeds of said series "E" bonds to the amount of $580,000 sold at not less than 98 per cent of the par value thereof, and the proceeds of bonds of said company issued pursuant to the terms of its equipment agreement

series "F" to the amount par value of $183,000, be equal to the sum of $1,575,900, being the total cost less 10 per cent of 1000 coal cars and 1000 box cars contracted for at the sum of $1,751,000. It is further

Ordered: That the proceeds of said bonds be used for the following purposes and no others: to wit, in the payment of the purchase price of 1000 coal cars and 1000 box cars as provided in three agreements, as follows: (*a*) with Cambria Steel Company for 1000 coal cars dated July 1, 1909; (*b*) with Standard Steel Car Company for 500 box cars dated July 3, 1909; (*c*) with American Car and Foundry Company for 500 box cars dated July 15, 1909. It is further

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[Case No. 1229]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
Commissioners.

In the Matter of the Voluntary Dissolution of the YONKERS RAILROAD COMPANY, a domestic corporation.

On reading and filing the petition of Leslie Sutherland, receiver of the Yonkers Railroad Company, dated August 24, 1909, for the consent of this Commission, under section 55 of the Public Service Commissions Law, to the issue of receiver's certificates in the sum of $65,000 bearing interest at not to exceed 8 per cent per annum, payable semiannually, to be dated September 10, 1909, and to be payable on any interest date prior to September 10, 1911, said petition setting forth that pursuant to an order of the Supreme Court of the State of New York in and for the county of Westchester, and an order of this Commission dated September 1, 1908, said Leslie Sutherland as permanent receiver of the Yonkers Railroad Company on the 10th day of September, 1908, issued receiver's certificates of said railroad company to the amount of $65,000 payable on the 10th day of September, 1909; and it appearing that it will be impossible for petitioner as receiver to settle up and adjust the affairs of the said railroad company so as to pay said certificates when the same become due on the 10th of September, 1909; and upon reading and filing a copy of an order of the Supreme Court of the State of New York at a special term held in the county of Westchester dated August 21, 1909, authorizing and empowering said receiver to issue certificates in the sum of $65,000, the proceeds thereof to be applied to the liquidation and payment of said $65,000 of receiver's certificates dated the 10th day of September, 1908, upon the same becoming due upon the 10th day of September, 1909, the same to be issued in the place and stead of the original issue of receiver's certificates of $65,000 as a first lien upon the property of the said Yonkers Railroad Company; and this Commission being of the opinion that the proceeds to be derived from the sale of said certificates are reasonably required for the said purpose; now, upon due deliberation, it is

Ordered: That Leslie Sutherland, receiver of the Yonkers Railroad Company, be and is hereby authorized, under section 55 of the Public Service Commissions Law, to issue as receiver his certificates to the amount of $65,000 dated September 10, 1909, payable two years from the date thereof or upon any interest date, and bearing not to exceed 6 per cent interest, payable semiannually, the said certificates being those heretofore authorized by order of the Supreme Court of the State of New York at a special term held in the county of Westchester duly entered on the 21st day of August, 1909; and upon condition that the proceeds derived from the sale of said certificates shall be used for the sole purpose of discharging or refunding certificates of the said receiver to the amount of $65,000 falling due on September 10, 1909, the issuance whereof was approved by this Commission on September 1, 1908. It is further

Ordered: That Leslie Sutherland, receiver of the Yonkers Railroad Company, be and is hereby directed, under Rule 25 of the Rules of Practice, to report under oath the sale or sales of the obligations herein authorized to be issued, and to also make a verified report showing in detail the use and application by him of the moneys so realized, which said report shall be made within three months from the date hereof.

[Case No. 996]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 31st day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the GENEVA, WATERLOO, SENECA FALLS AND CAYUGA LAKE TRACTION COMPANY, under subdivision 10, section 4, of the Railroad Law for consent to issue a mortgage for $2,500,000, and under section 55 of the Public Service Commissions Law for authority to issue now $525,000 in bonds to be secured by said mortgage.

The Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company having on July 3, 1909, filed with this Commission its petition under subdivision 10, section 4, of the Railroad Law for consent that it may issue under and by the corporate name Geneva and Auburn Railway Company, to which its present corporate name is about to be changed pursuant to law, a mortgage for $2,500,000; and under section 55 of the Public Service Commissions Law for authority that it may issue now $525,000 in thirty-year 5 per cent bonds to be secured by said mortgage; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on July 27, 1909, *Culver and Whittlesey* appearing for the petitioner and no one else appearing; and it appearing to this Commission that but $500,000 in bonds should now be authorized by the Commission to be issued; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company be and it is hereby authorized to execute and deliver to West End Trust Company of Philadelphia, Penna., as trustee, a mortgage upon all its property, rights, and franchises to secure the payment of its thirty-year 5 per cent gold bonds to the amount of $2,500,000, said mortgage to be executed by said corporation under and by the corporate name Geneva and

Auburn Railway Company, to which its present corporate name is about to be changed pursuant to law, and be in the form and containing the provisions set forth in the proposed form annexed to the application for this authorization;

Ordered: 2. That the said corporation be and it is hereby authorized to issue its said thirty-year 5 per cent gold bonds to the amount of $500,000 par value at not less than 90 per cent of such par value, the capital to be secured by the issue of such bonds to be used for the following purposes only: (*a*) the proceeds of said bonds to the amount of $400,000 par value to the discharge of the outstanding bonds of said corporation to the amount of $450,000, being the entire outstanding bonds of said corporation; it being understood that said bonds now authorized will be exchanged for the entire outstanding issue of bonds; (*b*) the proceeds of said bonds to the amount of $100,000 par value for the acquisition of property and the extension and improvement of the facilities of said corporation as follows: temporary power house, estimated cost, $7728; new turnouts, estimated cost, $4509; "Y" at Stevenson and Byard streets, estimated cost, $2429; "Y" at Seneca and Exchange streets, estimated cost $4002; 4 new double-truck cars and 3 new single-truck cars, estimated cost, $36,000; extension along Byard street to Cayuga lake, $50,000: $104,668; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation;

Ordered: 3. That said company under the name Geneva and Auburn Railway Company shall make verified reports to this Commission, as follows: (*a*) upon the execution and delivery of said mortgage, the facts in relation thereto, in accordance with the terms of this order; (*b*) upon the exchange of the said $400,000 in mortgage bonds authorized by this order to be issued for the said $450,000 in outstanding mortgage bonds of said corporation, the facts in relation thereto, in accordance with the terms of this order; (*c*) upon the sale of the remaining $100,000 in mortgage bonds authorized by this order to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less than 90 per cent of their par value; (*d*) at the expiration of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $100,000 in mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order;

Ordered: 4. That the application of said corporation be continued open, to the end that further authorization for the issue of bonds may hereafter be granted pursuant thereto.

[Case No. 1038]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY, under sections 55 and 69 of the Public Service Commissions Law, for authority to issue $203,000 in mortgage bonds.

The Elmira Water, Light and Railroad Company having on July 27, 1909, filed with this Commission its petition, under sections 55 and 69 of the Public Service Commissions Law, for authority to issue $203,000 in 5 per

cent fifty-year gold bonds to be secured by its first consolidated mortgage; and a hearing on said petition having been held in the city of Albany on August 4, 1909, *Philbin, Beekman & Menken* appearing for said petitioner; and it appearing that the proceeds of said bonds are to be used for purposes hereinafter stated; and it appearing to this Commission that but $196,000 par value in said bonds should now be authorized by the Commission to be issued; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Elmira Water, Light and Railroad Company be and it is hereby authorized to issue its first consolidated 5 per cent fifty-year gold bonds to the amount of one hundred and ninety-six thousand dollars ($196,000) par value, said bonds to be sold at not less than 85 per cent of such par value and accrued interest; that the proceeds of such sale be used for the following purposes and no others: (*a*) $59,844.17 for the payment and discharge of indebtedness incurred in constructing additions and betterments to its property particularly set forth and described in the paragraph of its petition numbered "Second"; (*b*) the balance of said proceeds in constructing additions and betterments to its property particularly set forth and described in said petition; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation;

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $196,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value thereof and accrued interest; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order.

[Case No. 1249]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ALBANY SOUTHERN RAILROAD COMPANY, under subdivision 10, section 4 of the Railroad Law for consent to issue mortgage, and under sections 55 and 69 of the Public Service Commissions Law for authority to issue capital stock and mortgage bonds.

The Albany Southern Railroad Company having on September 14, 1909, filed with this Commission its petition (1) under subdivision 10, section 4 of the Railroad Law for consent to issue a first mortgage for $1,500,000 upon all its property; and (2) under sections 55 and 69 of the Public Service Commissions Law for authority to issue $2,029,000 par value of 5 per cent non-cumulative preferred stock, $1,375,000 of common stock, and $1,250,000 of first mortgage 5 per cent sinking fund thirty-year gold bonds to be secured by said mortgage; and a hearing on said petition having been held in the

city of Albany on September 14, 1909, *Randall J. LeBoeuf* and *Charles H. Werner* appearing for the petitioner; and it appearing that said capital stock and the proceeds of said mortgage bonds are to be used for purposes hereinafter stated; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under subdivision 10 of section 4 of the Railroad Law, this Commission hereby consents to the issuance by the Albany Southern Railroad Company to Manhattan Trust Company of a first mortgage upon all its property to secure the payment of mortgage bonds to the amount of $1,500,000, and that said mortgage shall be in the form submitted to this Commission upon this petition for this consent;

Ordered: 2. That under sections 55 and 69 of the Public Service Commissions Law, this Commission hereby authorizes Albany Southern Railroad Company to issue its common capital stock to the amount of one million three hundred seventy-five thousand dollars ($1,375,000) par value, and its 5 per cent non-cumulative preferred stock to the amount of two millions and twenty-nine thousand dollars ($2,029,000) par value; the said stock to be issued and used for the following purposes only: to wit, the acquisition of all the property, rights, and franchises of the Albany and Hudson Railroad Company sold on foreclosure sale pursuant to a judgment of the Supreme Court of the State of New York on the 7th day of September, 1909, to a reorganization committee of the stockholders and bondholders of said Albany and Hudson Railroad Company, said stock to be issued pursuant to the terms of a certain reorganization agreement dated June 30, 1909, filed with this Commission;

Ordered: 3. That under sections 55 and 69 of the Public Service Commissions Law, this Commission hereby authorizes Albany Southern Railroad Company to issue its first mortgage 5 per cent sinking fund gold bonds to the amount of one million two hundred and fifty thousand dollars ($1,250,000), said bonds to be sold at not less than 85 per cent of their par value, and the proceeds thereof to be used for the following purposes only: (*a*) the proceeds of bonds to the amount of $765,000 par value for the acquisition of property, to wit, the total outstanding stock of the Albany and Greenbush Bridge Company for the sum of $650,000; (*b*) the proceeds of bonds to the amount of $485,000 par value in the acquisition of property and the improvement of its facilities, to wit, in acquiring additional power plant machinery and constructing a second track from Rensselaer to Kinderhook lake and in straightening and improving its line between said points; that in the opinion of the Commission the capital to be secured by the said issues of stock and bonds is reasonably required for the said purposes of the corporation;

Ordered: 4. That said Albany Southern Railroad Company shall make verified reports to this Commission, as follows: (*a*) upon the execution and delivery to the Manhattan Trust Company of said mortgage for $1,500,000, that fact; (*b*) upon the completion of the transaction of issuing said capital stock for the purposes set forth in and limited by this order, the facts of said transaction in reasonable detail; (*c*) upon the sale of said $1,250,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amount realized from said bonds which shall not be less than 85 per cent of their par value; (*d*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said bonds have been expended, pursuant to the terms of this order.

[Case No. 1080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE LONG ISLAND RAILROAD COMPANY, under section 55 of the Public Service Commissions Law for authority to issue debentures not to exceed in amount $16,500,000.

The Long Island Railroad Company having on August 20, 1909, filed with this Commission its petition, under section 55 of the Public Service Commissions Law for authority to issue debentures not to exceed in amount $16,500,000; and a public hearing on said petition having been held by this Commission in the city of Albany on September 14th, *Joseph F. Keany* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That The Long Island Railroad Company be and it is hereby authorized to issue its 4 per cent ten-year gold debenture bonds to The Pennsylvania Railroad Company to an amount not exceeding $16,500,000, in manner following and upon the terms and conditions hereinafter set forth:

1. Said debentures shall be in substantially the following form:

UNITED STATES OF AMERICA.
State of New York.
The Long Island Railroad Company.
No.

Ten-Year Four Per Cent Debenture Gold Bonds.

The Long Island Railroad Company, for value received, promises to pay to The Pennsylvania Railroad Company, at its agency in the city of New York, the sum of Dollars, in gold coin of the United States of America, of or equal to the present standard of weight and fineness, on the first day of , one thousand nine hundred and nineteen, with interest thereon from the day of 1909, at the rate of four per centum per annum, payable in like gold coin on the first day of 1909, and semiannually thereafter on the first days of and in each year.

This obligation is part of an issue authorized by the Directors of said Company and approved by the Public Service Commission of the State of New York for the Second District, amounting to sixteen million five hundred thousand dollars, and is subject to payment or redemption at any time prior to its maturity at par with interest then accrued thereon, if such payment or redemption shall seem advisable to the Directors of the said Company.

In witness whereof, the said The Long Island Railroad Company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its President and attested by its Treasurer, the day of 1909.

THE LONG ISLAND RAILROAD COMPANY.
By

President.

Treasurer.

2. Said debentures may be issued presently for the indebtedness of said The Long Island Railroad Company to The Pennsylvania Railroad Company to the aggregate amount of $4,396,500, said indebtedness being for moneys advanced to The Long Island Railroad Company by said The Pennsylvania Railroad Company and which moneys were used by The Long Island Railroad Company for additions and betterments to its railroad system.

3. Said debentures may be issued presently for the further sum of $1,666,451.55 in payment of the indebtedness of said The Long Island Railroad Company to The Pennsylvania Railroad Company, which indebtedness, by the proof now before this Commission, appears to have been incurred in the payment of an operating deficit of The Long Island Railroad Company; the said debentures to such amount shall be issued only upon the express condition and stipulation that neither the same nor the indebtedness evidenced

thereby shall at any future time be capitalized or converted into stock or long time bonds without further application to this Commission, and proof made to its satisfaction that such indebtedness was incurred for purposes which are the proper subjects of capitalization and not for an operating deficit as herein found. That upon each and every of the debentures issued for the said sum of $1,666,451.55, or any part thereof, there shall be plainly written the words "This debenture is not at any time to be discharged or refunded by the issue of stock or long time bonds, pursuant to the terms of the order of the Public Service Commission, Second District, State of New York, authorizing its issue," which statement shall be signed by the treasurer of the company.

4. That the use of the capital to be secured by the issue of said debentures is in the opinion of the Commission reasonably required for said purposes of The Long Island Railroad Company, to wit, to pay an existing indebtedness of said company.

5. That the remainder of said debentures in excess of the amount of said existing indebtedness, being the sum of $10,437,048.45, up to the full authorized amount of $16,500,000, may be issued in the following manner and upon the following conditions only: The said The Long Island Railroad Company shall keep full and correct account of all moneys expended by it for additions and betterments upon its property, and of all moneys which shall have been advanced by The Pennsylvania Railroad Company to it for the purpose of making such additions and betterments. It shall semiannually, or at the end of such regular periods as it may elect, give to this Commission proof showing the additions and betterments made, the actual cost thereof, and the moneys expended thereon which have been advanced or loaned to it by the said The Pennsylvania Railroad Company. After examination and consideration of such proofs, and after such inquiries as it may elect to make concerning the same, the Commission will, by a supplemental order, authorize the issue of debentures of the series authorized to the said The Pennsylvania Railroad Company, for the amount of money advanced by it to the said The Long Island Railroad Company and actually expended in and about the work of constructing such additions and betterments to the property of The Long Island Railroad Company. In taking and stating such account it will be sufficient to show that a certain amount of money has been expended in and about the work of constructing such additions and betterments and that The Pennsylvania Railroad Company has advanced and loaned to The Long Island Railroad Company an equal amount, and it will not be necessary to show that the precise moneys expended in the said work of constructing the additions and betterments has been loaned by The Pennsylvania Railroad Company.

It is further Ordered: That in addition to the proof referred to in No. 5 of this order, the said The Long Island Railroad Company shall make verified reports to this Commission, as follows: (1) upon the issuance of said $4,396,500 of said debentures or any of them, in accordance with the terms of this order, the facts in relation to such issuance, and before issuance an unexecuted sworn copy of said debentures shall be filed with this Commission; (2) upon the issuance of said $1,666,451.55 of said debentures or any of them, in accordance with the terms of this order, the facts in relation to such issuance, and before issuance an unexecuted sworn copy of said debentures shall be filed with this Commission.

[Case No. 1321]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23d day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for authority to issue its capital stock to the amount of $44,658,000.

The New York Central and Hudson River Railroad Company having on November 3, 1909, filed with this Commission its petition for authority to issue its capital stock to the amount of $44,658,000; and hearings on said petition having been held by this Commission in the city of Albany on November 3rd, and in the city of New York on November 8th, *Albert H. Harris* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearings, and after due deliberation, it is

Ordered: 1. That The New York Central and Hudson River Railroad Company be and it is hereby authorized to issue 446,580 shares of its capital stock of the par value of $100 per share, total par value $44,658,000. Said stock to be sold at par in conformity with a certain resolution of the board of directors of said company adopted at a meeting held on the 10th day of November, 1909, a copy whereof certified by the secretary of the corporation has been filed with this Commission.

Ordered: 2. That of the proceeds of the sale of said stock the sum of $21,966,615.48 shall be used for the discharge of certain three-year 5 per cent gold notes of the said company maturing February 10, 1910, the total amount of the principal of said gold notes so maturing being the sum of $25,000,000. That the said company shall not use any part of the proceeds of the sale of said stock for the discharge of the remaining part of the principal of said gold notes, to wit, the sum of $3,033,384.52.

Ordered: 3. That the remainder of the proceeds of the sale of said stock, to wit, the sum of $22,691,384.52, shall be used for the acquisition of property and for the extension and improvement of its facilities: to wit, the acquisition of the property and the construction of the additions and betterments particularly set forth and described in schedule "A" annexed to the petition presented by said company asking for this authorization.

Ordered: 4. That said company shall be at liberty to use said proceeds for such of said purposes set forth in said schedule "A" as it may elect, not however applying to any of said purposes any more in the aggregate than the amount set forth in said schedule as the amount required for that purpose; and further, that it shall not use for the purchase of new equipment and rolling stock from the said proceeds any sum in excess of $9,000,000.

Ordered: 5. That the said company on or before the 10th day of each calendar month, beginning with the 10th day of January, 1910, make verified report to this Commission showing the number of shares of said stock sold during the preceding calendar month, the amount of money received for stock sold previous to the close of the calendar month next preceding such report, and the number of shares taken by stockholders of said company pursuant to the terms of said resolution of the board of directors adopted the 10th day of November, 1909.

Ordered: 6. That the said company keep full and accurate account of the moneys expended from the proceeds of said stock upon and in connection with each and every of the improvements, additions, and betterments mentioned and set forth in said schedule "A," and during the months of January and

July hereafter, beginning with the month of July, 1910, and continuing until said proceeds shall have been fully expended and accounted for, make and file with this Commission verified reports, showing how much has been expended upon each of the improvements, additions, and betterments set forth and mentioned in said schedule "A," up to and including the 30th day of the preceding June and the 31st day of the preceding December. Said reports need not set forth in detail each item of expenditure but shall, so far as practicable, set forth the totals of general classes of expenditure in connection with each work, the accounts being so kept that they and the vouchers therefor may be readily checked in the examination and verification of said reports by the examiners of this Commission. Said reports shall further show how much of the moneys expended upon each of said improvements, additions, and betterments have been paid from the proceeds of said stock and how much from other moneys of the company, to the end that it may clearly appear from said reports how much of each of said works was considered and treated as additions and betterments and paid for from the proceeds of said stock, and how much replacements and paid for from income, according to the system of accounts prescribed by the Commission for said company.

Ordered: 7. That within the thirty days next ensuing after the payment of any of said gold notes to the amount of $21,966,615.48, as hereinbefore authorized, from the proceeds of said stock, the said company make and file with this Commission verified report showing the amount or amounts so paid and the date thereof.

Ordered: 8. That in the opinion of the commission the use of the capital to be secured by the issue of said stock is reasonably required for the aforesaid purposes of the corporation.

[Case No. 1320]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, under section 55 of the Public Service Commissions Law for authority to guarantee dividends upon increased capital stock of the Clearfield and Mahoning Railway Company.

The Buffalo, Rochester and Pittsburgh Railway Company having on November 6, 1909, filed with this Commission its petition, under section 55 of the Public Service Commissions Law for authority to guarantee 6 per cent dividends on not to exceed $250,000 in increased capital stock of the Clearfield and Mahoning Railway Company; and a public hearing on said petition having been held by this Commission in the city of Albany on November 24, 1909, *James S. Havens* appearing for the petitioner; now upon the aforesaid petition and hearing, and after due deliberation, it is

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and it is hereby authorized to guarantee dividends at the rate of 6 per cent per annum upon so much of a proposed increase of the capitol stock of the Clearfied and Mahoning Railway Company, not exceeding in amount par value $250,000, as will be necessary, said stock being sold at not less than par, to pay for the straightening and improving the road of said Clearfield and

Mahoning railway in the manner set forth and described in the petition of said Buffalo, Rochester and Pittsburgh Railway Company for this authorization. It appearing that the said Buffalo, Rochester and Pittsburgh Railway Company is the lessee of the entire road and property of the said Clearfield and Mahoning Railway Company for the term of the corporate existence of lessor; that the said lessee has requested the lessor to increase its capital stock to an amount not exceeding $250,000; that the capital to be secured by the issue of said stock is to be used exclusively for the purpose of straightening and improving the road so leased; that said improvements are required in the proper management and operation of said road, and that they will enable the said Buffalo, Rochester and Pittsburgh Railway Company to derive a rental from the lease of trackage rights over the same greater than the amount of the dividends so to be guaranteed; the Commission is of the opinion that the capital to be secured by the making of said guarantee is reasonably required for the said purposes of the corporation.

[Case No. 1342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the FITCHBURG RAILROAD COMPANY, under the Stock Corporation Law for approval of an increase of its preferred capital stock by the amount of $550,000 par value, and under section 55 of the Public Service Commissions Law for authority to issue the amount of said increase: viz., 5500 shares of the preferred capital stock, par value $100 a share, total par value $550,000.

Ordered: 1. That under the Stock Corporation Law, this Commission hereby approves the increase of the preferred capital stock of the Fitchburg Railroad Company by the issuance of 5500 shares of preferred capital stock, par value $100 a share, total $550,000; and that indorsement of such approval be made upon the certificate showing proceedings of the meeting of the stockholders of said Fitchburg Railroad Company whereat said increase was approved by the stockholders.

Ordered: 2. That under section 55 of the Public Service Commissions Law, the Fitchburg Railroad Company be and it is hereby authorized to issue 5500 shares of its preferred capital stock at the par value of $100 a share, amounting at par value to $550,000; that the said shares be sold at auction in the city of Boston, Mass., to the highest bidder for cash, at not less than the par value thereof; it being the opinion of this Commission that the capital to be secured by the issue of said $550,000 preferred capital stock is reasonably required for lawful purposes of the corporation hereinafter set forth.

Ordered: 3. That said $550,000 preferred capital stock shall be devoted by Fitchburg Railroad Company to and used for the following purposes and no other, namely, the discharge of lawful obligations: to wit, an indebtedness to the National Shawmut Bank of Boston, Mass., on bonds and notes held by it to the amount of $500,000, or to any person or corporation who may be the owner and holder thereof; to the Boston and Maine Railroad for permanent additions to and improvements upon the railroad property of said Fitchburg Railroad Company made by said Boston and Maine Railroad pur-

suant to the terms of the lease of said property made June 30, 1900, the balance of said indebtedness amounting to the sum of $222,819.97, which said improvements and said balance are specified in exhibits attached to the petition herein.

Ordered: 4. That the Fitchburg Railroad Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $550,000 preferred capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) within six months from the date of this order the disposition and use made of the proceeds of said preferred capital stock.

[Case No. 348]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE DELAWARE AND HUDSON COMPANY, under subdivision 10 of section 4 of the Railroad Law for consent to the execution of a first and refunding mortgage upon its property, rights, and franchises covering $50,000,000 coupon or registered gold bonds maturing May 1, 1943; and for authority under section 55 of the Public Service Commissions Law to issue bonds under said mortgage to the amount of $26,500,000.

The Commission having on the 7th day of July, 1908, granted the applicant herein permission to issue bonds to the amount of $19,809,000 for certain purposes stated in said application, and reserved for further hearing so much of said application as relates to the issuance of bonds under its proposed first and refunding mortgage and the sale thereof to fund or discharge outstanding notes of the applicant covering the purchase of certain coal lands in the State of Pennsylvania to the amount of $2,500,000, and the purchase of certain stock of the United Traction Company and referring back to the acquirement of securities of the Hudson Valley Railway Company amounting to $4,665,295.85, and the purchase of securities of the Troy and New England Railway Company to the amount of $230,868.42; and further hearing in respect to said three matters remaining undisposed of by the Commission having been had on the 6th and 31st days of August, 1908, and the matter having been fuly concluded and submitted to the Commission on the 5th day of September, 1908; and the Commission having by order entered on the 7th day of December, 1908, granted permission to the applicant to further issue bonds under said mortgage to the amount of $230,000 to cover the purchase of securities of the said Troy and New England Railway Company, and having by said order denied so much of the application herein as relates to issuance of bonds and the use of the proceeds thereof to fund or discharge outstanding notes of the applicant covering the purchase of said coal lands in the State of Pennsylvania amounting to $2,500,000, and the stock of the United Traction Company amounting to $4,665,295.85; and the applicant having on the 28th day of December, 1908, filed its application for a rehearing in respect of said order denying the issuance of said bonds in the amounts above stated of $2,500,000 and $4,665,295.85; and said application having been denied by the Commission by order duly issued on the 29th day of

December, 1908; and the applicant having on the 29th day of January, 1909, sued out a writ of certiorari in the Supreme Court of the State of New York held in and for the county of Albany, and said proceeding on certiorari having been heard before the Appellate Division of the Supreme Court in and for the Third Judicial Department; and the Appellate Division of the Supreme Court in and for the Third Judicial Department having on the 24th day of September, 1909, issued its order reversing, annulling, and setting aside the said order of the Commission of the 7th day of December, 1908, denying the application of the relator, the applicant herein, for leave to issue bonds for the purposes stated in said order, and remitting the matter so presented to the Appellate Division to the Public Service Commission for further action in accordance with such determination; and an appeal having been taken by the Commission to the Court of Appeals from the order of the Appellate Division of the Supreme Court in and for the Third Judicial Department on the 13th day of October, 1909; and the Court of Appeals having, after argument, and by decision rendered on the 7th day of December, 1909, affirmed the order of the Appellate Division of the Supreme Court in and for the Third Judicial Department; and this matter being now before the Commission for further consideration; and it appearing to the Commission that under and by reason of the decision of the Court of Appeals hereinabove recited the said issue of bonds by the applicant, The Delaware and Hudson Company, namely, to the amounts of $2,500,000 and $4,665,295.85, aggregating $7,165,295.85, should be approved; it is

Ordered: That this Commission does now authorize a further issue of bonds by the applicant, The Delaware and Hudson Company, under said first and refunding mortgage to the amount of $7,165,295.85, according to the terms and conditions of subdivision 3 of said order of the 7th day of July, 1908, for the purpose of refunding or discharging certain note obligations of the applicant: namely, $2,500,000 covering the acquirement of certain coal lands in the State of Pennsylvania, and $4,665,295.85 covering the acquirement of 75,000 shares of the capital stock of the United Traction Company, which said acquisition of coal lands and United Traction Company stock and the manner of such acquisition are fully described and set forth in said order of the Commission of the 7th day of December, 1908; and that the said issue of bonds shall not be used for any other purpose whatsoever; and it is

Further Ordered: That the applicant, The Delaware and Hudson Company, shall make a verified report to the Commission within three months from the date hereof, showing in detail the use and application by it of the moneys so realized from the sale of bonds hereby authorized, and once in every three months thereafter until such moneys shall have been fully expended, and of its action generally under the provisions of this order.

[Case No. 1069]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 16th day of December, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the Matter of the Application of the Kingston Consolidated Railroad Company for consent to mortgage its property and franchises and for leave to issue bonds secured by said mortgage.

Application having been made by Kingston Consolidated Railroad Company by petition verified the 14th day of August, 1909, for the consent of this

Commission, under article 1, section 4, paragraph 10 of the Railroad Law, and section 55 of the Public Service Commissions Law, to execute a mortgage securing an authorized issue of bonds in the amount of $250,000, that is to say, 75 bonds, each for $1000, to be payable on the 1st day of January, 1939, and to bear interest at the rate of 5 per cent per annum, and for further consent to issue at this time 75 of said bonds the proceeds of which are to be applied in payment for reconstruction of that portion of the railroad lines of applicant on Broadway, North Front, Wall, and Main streets in the city of Kingston, and for the repaving of that portion of said streets occupied by the railroad; and a hearing having been had on the petition at the office of the Commission, the Capitol, Albany, on the 25th day of August, 1909, *George E. Lewis* appearing for the applicant and no one in opposition; and the applicant by its president having stipulated in writing in a communication addressed to this Commission dated December 14, 1909, and in papers therewith submitted, its willingness to pay for part of the costs of said improvements and betterments by the issue of its corporate notes in an amount not to exceed $20,000 face value; and as in the opinion of the Commission the use of the capital to be secured by the issue of said bonds and said notes in the amounts respectively hereinafter authorized to be issued is reasonably required for the purposes of the applicant; now, upon the aforesaid petition and accompanying papers, and evidence at the hearing August 25, 1909, and after due deliberation, it is

Ordered: 1. That said Kingston Consolidated Railroad Company may issue a second mortgage on its property and franchises to secure an issue of bonds in the sum of $250,000, consisting of 250 bonds of the par value each of $1000, payable the 1st day of January, 1939, and to bear interest at not to exceed the rate of 5 per cent per annum from the time of issue.

Ordered: 2. That said Kingston Consolidated Railroad Company may issue 56 of said bonds which shall be sold to net the company not less than 80 per centum of their par value.

Ordered: 3. That said Kingston Consolidated Railroad Company may issue its corporate notes in the sum of $17,360 face value, said notes to bear interest at not to exceed 6 per centum per annum and to be made in amounts and to become due and payable respectively as follows: (*a*) the first note to be made in the amount of $1360, and due and payable one year from the date thereof; (*b*) the remainder of the notes in the aggregate sum of $16,000, to be made in equal amounts of not less than $2000 each, to become due and payable one each year, beginning with the expiration of one year from the date of the maturity of the first note as above provided.

Ordered: 4. That said Kingston Consolidated Railroad Company may issue said notes in the sum of $17,360 and sell the same at their face value.

Ordered: 5. That the proceeds realized from the sale of said 56 bonds and said $17,360 notes shall be used for the following purposes and none other: to wit, for the reconstruction of the railroad on Broadway and on North Front, Wall, and Main streets in the city of Kingston, and for the paving of that portion of the above named streets occupied by the railroad, in accordance with the cost estimate of all of the above work as set forth and fully described in the petition and accompanying papers.

Ordered: 6. That the consent and permission hereby granted are given upon the condition that the sum or sums realized by applicant from the salvage of plant or property replaced in course of the above construction shall be used to the extent thereof in part payment for the said construction and for no other purpose.

Ordered: 7. That said Kingston Consolidated Railroad Company be and it is hereby required to make a verified report to this Commission on the expiration of three months from the date of this order, showing in detail (*a*) the sale or sales of the bonds and notes herein authorized to be issued, (*b*) the terms and conditions of such sales, (*c*) the amounts realized therefrom, (*d*) the use and application by it of the moneys so realized, (*e*) the

amount of money realized from the salvage of the plant and property replaced resulting from the reconstruction of its railroad as above described, and the disposition made of such money; and to file similar reports at the expiration of each three months thereafter until the moneys realized from the sale of said bonds and notes and from said salvage have been fully expended.

[Case No. 1340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the HORNELL-BATH INTERURBAN RAILWAY COMPANY to issue a mortgage, mortgage bonds, and common capital stock.

After due hearing and deliberation it is

Ordered: 1. That Hornell-Bath Interurban Railway Company be and it is hereby authorized to issue its capital stock to the amount of $250,000, being 2500 shares of the par value of $100 each, and its forty-year 5 per cent gold bonds to the amount par value of $450,000.

Ordered: 2. That the proceeds of said stock and bonds be used for the following purposes and no others, in connection with building its proposed road: *a.* For the physical construction of its road, including rolling stock and machine shop, $612,000; *b.* right of way and terminals, $23,000; *c.* power station site, $1000; *d.* station sites and buildings, $3000; *e.* engineering contingencies and superintendence, $30,000; *f.* expenses of organization, incorporation tax, obtaining certificate of necessity, obtaining authorization of stock and bond issue, obtaining local consents and franchises, compensation of officers and office expenses during construction, incidentals, preliminary engineering, and working capital, $16,000; *g.* promotion, $15,000; total, $700,000.

Ordered: 3. That in case the proceeds allowed for any purpose above specified shall prove to be in excess of the amount needed for such purpose, such excess shall not be used for or appropriated to any other purpose without the further authorization of this Commission.

Ordered: 4. That the said corporation shall not sell or issue any of said bonds without the further authorization of this Commission fixing the price at which the same may be sold, at which time and in such authorization the Commission will authorize such further issue of bonds as may be necessary to provide for the discount on said bonds, the interest on bonds during the period of construction, expense of marketing securities, and any other matters which then may seem necessary.

Ordered: 5. That the said corporation make verified reports to the Commission, as follows: *a.* of the sale of stock and bonds within thirty days after each and every sale, stating the amount sold, to whom sold, and the terms of sale; *b.* of the expenditure made of the moneys derived from such sale of said stock and bonds during each month of July and January, beginning with July, 1910, a statement of the disbursements made, showing the amounts paid for each purpose hereinbefore enumerated during the preceding six months ending June 30th and December 31st; if any general contracts

are made for construction, such contracts shall be reported as soon as executed by the parties.

Ordered: 6. That in the opinion of the Commission the capital to be secured by the issue of said stock and bonds is reasonably required for the said purposes of the corporation.

Ordered: 7. That pursuant to section 4 of the Railroad Law the said corporation may execute and issue a mortgage upon its property and franchises to secure the aforesaid issue of bonds, said mortgage to be in the form which shall be hereafter approved by this Commission.

APPENDIX E

In the Matter of Abandonment or Changes in Routes, Service, or Stations, by Railroad Corporations.

APPENDIX E

[Case No. 601]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY and THE HARLEM RIVER AND PORT CHESTER RAILROAD COMPANY, under section 53 of the Public Service Commissions Law, for consent of this Commission to a change of motive power on the Harlem River and Port Chester railroad from steam to electricity.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The New York, New Haven and Hartford Railroad Company and The Harlem River and Port Chester Railroad Company, its lessor, for the consent of the Commission to a change of motive power upon the Harlem River and Port Chester railroad from steam to electricity; and a joint public hearing on said petition having been held by the Public Service Commission of the First District and this Commission in the city of New York on December 11, 1908, *William Greenough* appearing for the petitioners, and *Arthur DuBois*, Counsel, Public Service Commission, First District, also appearing; now after due deliberation it is

Ordered: That the application of The New York, New Haven and Hartford Railroad Company and The Harlem River and Port Chester Railroad Company for the consent of this Commission to a change of motive power upon the Harlem River and Port Chester railroad from steam to electricity be and the same is hereby dismissed, upon the ground that the said companies are authorized to make such change without the consent or approval of this Commission.

[Case No. 627]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE LONG ISLAND RAILROAD COMPANY, under section 34 of the Railroad Law for consent to the discontinuance of its present passenger and freight station at Long Beach.

The Long Island Railroad Company having on December 9, 1908, filed with this Commission its application under section 34 of the Railroad Law for

consent to the discontinuance of its present joint passenger and freight station building at Long Beach; and a public hearing on said application, after due notice, having been held by this Commission in the city of Albany on February 1, 1909, *Joseph F. Keany* appearing for the applicant and *James H. Griffith, jr.*, appearing for the Estates of Long Beach in favor of the application; and it appearing that a new passenger station building and a separate new freight station building and freight facilities are to be constructed by the company at points about one thousand feet north of the location of the present station; now, upon the aforesaid application, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That the application of the petitioner herein for the discontinuance of its Long Beach station at its present location, shown in yellow on blue-print attached to the said petition (which blue-print was also offered in evidence on the hearing herein), be granted, on condition that there be erected for the accommodation of the public on a site substantially as shown on the said blue-print in red, a new station, freight yards, and other railroad accommodations, and that the agreement between the petitioner and the Estates of Long Beach dated November 27, 1908, and received in evidence on the hearing herein, be and the same is hereby approved in so far as the same relates to an exchange of the property on which the present station now stands (being the property shown in yellow on the plan hereinbefore referred to) for property located northerly and distant from the present site of said station about one thousand feet, being the property shown in red on the plan above referred to, and this Commission approves the changing and re-location of said station on the condition that there be erected in accordance with the agreement of November 27, 1908, hereinbefore referred to, on the new location, a station with freight yard and storage facilities substantially in accordance with the proposed sketch and plan for said new station submitted by the petitioner and filed with this Commission on the 16th of February, 1909, the particular descriptions by metes and bounds of said present site and said proposed site being fully set forth in the agreement of November 27, 1908, hereinbefore referred to; but the present station is not to be abandoned or discontinued until equal facilities for the accommodation of the public are furnished by the petitioner on the new site.

[Case No. 769]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the LEHIGH AND NEW YORK RAILROAD COMPANY and the LEHIGH VALLEY RAILROAD COMPANY, lessee, under section 34 of the Railroad Law for consent to the discontinuance of the present station at North Fair Haven on the Lehigh and New York railroad.

The Lehigh and New York Railroad Company and the Lehigh Valley Railroad Company (lessee of the Lehigh and New York railroad) having on February 24th filed with this Commission a joint petition under section 34 of the Railroad Law for consent to discontinue the use of the present station building at North Fair Haven on the Lehigh and New York railroad; and it

appearing that the petitioners propose that an existing house adjoining said railroad and situated at a point about three hundred feet southerly from the present station building shall be converted into and maintained as a station building in place of the present station building; now, upon the aforesaid petition, and after due deliberation, it is

Ordered: That under section 34 of the Railroad Law this Commission consents and it does hereby consent that the Lehigh and New York Railroad Company and the Lehigh Valley Railroad Company (lessee of the Lehigh and New York railroad) may discontinue the use of the present station building at North Fair Haven on the Lehigh and New York railroad, on condition that said existing house adjoining said railroad and situated at a point about three hundred feet southerly from the present station building shall be converted into a suitable station building and be maintained as such by said companies.

[Case No. 768]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY for approval of change of route between the village of Port Byron and the city of Syracuse.

An application being made by the Rochester, Syracuse and Eastern Railroad Company, above named, to this Commission for permission and approval of a change of the route of said railroad in the counties of Cayuga and Onondaga, between the village of Port Byron and the city of Syracuse, N. Y., and such application coming on to be heard, now on reading and filing the petition herein verified March 2, 1909, a certified copy of the certificate of such change of route by the railroad company pursuant to the provisions of section 13 of the Railroad Law of this State, and the maps of the railroad company showing such changed route, and proof of the publication of the notice of this hearing in the Jordan *Times*, the Weedsport *Sentinel*, *Cayuga Chief*, the Port Byron *Chronicle*, and the *Post-Standard*, as directed by the Commission; and after hearing *William Nottingham, esq.*, of counsel for said petitioner railroad company in behalf of said application, and *J. W. Hogan, esq.*, counsel for the town board of the town of Camillus, Onondaga county, N. Y., and certain inhabitants of said town, and after due consideration of such application, it is

Ordered: That permission and approval of such change of route be and the same hereby are granted.

[Case No. 799]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Applications of the LAKE CHAMPLAIN AND MORIAH RAILROAD COMPANY, under section 53 of the Public Service Commissions Law for approval of alteration of route, and under section 60 of the Railroad Law for an order determining how a proposed changed line of its route shall cross the Wheelock and Stickney roads in the town of Moriah, Essex county, and Whitney street in the village of Port Henry.

The petitioner herein having applied for an alteration and change of its route in the village of Port Henry between Port Henry and what is known as the Kidder Mill bridge in the town of Moriah, which said alteration and change of route is specifically shown on a map and profile of the same filed with the Commission on the 22nd day of March, 1909; and further having made application under section 60 of the Railroad Law for an order determining how the said proposed changed line shall cross the Wheelock and Stickney roads in the town of Moriah, Essex county, and Whitney street in the village of Port Henry; and a hearing upon said applications having been had on the 5th day of April, 1909; and the petitioner having since said hearing filed with this Commission a certified copy of the consent of the commissioner of highways, also of Maria L. Putnam, and the town board of the town of Moriah, Essex county, N. Y., consenting to the change of route applied for; and having also filed with this Commission a certified copy of an order made by D. W. Burgey, the commissioner of highways of the town of Moriah, consenting to altering a portion of the Stickney road and abandoning the portion altered in the town of Moriah, Essex county, together with the consent of the town board to such alteration and change; and the petition and maps and evidence herein showing that the new line of railroad is to cross Whitney street above the grade of the street, also the Stickney road above the grade of the street, and the Wheelock road at grade, it is

Ordered: 1. That under section 53 of the Public Service Commissions Law this Commission hereby permits the Lake Champlain and Moriah Railroad Company to change the route of its railroad in the village of Port Henry, and between said village and the Kidder Mill bridge in the town of Moriah, Essex county, in accordance with a survey, map, and certificate of such alteration or change filed in the office of the clerk of Essex county on the 20th day of February, 1909, a certified copy of which survey, map, and certificate is filed with this Commission;

Ordered: 2. That this Commission hereby determines, under section 60 of the Railroad Law, that the railroad of the Lake Champlain and Moriah Railroad Company on said changed route shall cross Whitney street in the village of Port Henry above the grade of said street;

Ordered: 3. That this Commission hereby determines, under section 60 of the Railroad Law, that it would be impracticable for the railroad of the Lake Champlain and Moriah Railroad Company on said changed route to cross otherwise than at grade the Wheelock road highway in the town of Moriah, Essex county;

Ordered: 4. That this Commission hereby determines, under section 60 of the Railroad Law, that the railroad of the Lake Champlain and Moriah Railroad Company on said changed route shall cross the Stickney road highway in the town of Moriah, Essex county, above the grade of said highway at a point on a changed location of said highway, which changed location is hereinafter described, in accordance with the plan attached to the consent of the commissioner of highways dated April 14, 1909, and filed with this Commission on the 17th day of April, 1909;

Ordered: 5. That this Commission hereby determines, under section 60 of the Railroad Law, that that part of the Stickney road highway hereinafter described be discontinued: to wit, beginning in the center of said Stickney road about 350 feet north of the south line of property once belonging to the S. H. & J. C. Witherbee estate, and now belonging to the Lake Champlain and Moriah Railroad Company, thence running along the corner of said Stickney road in the general direction of northeasterly 280 feet; on condition that a new highway be opened upon by the petitioner, described as follows: commencing in the center of Stickney road at a point about 120 feet south of center line of the new railroad route, continues then north 73 degrees 30 minutes west about 250 feet on not greater than a 10.7 per cent grade to a point 30 feet from the center of new railroad, then north about 80 feet on a level line, crossing under the new railroad line, then continues north 64 degrees east about 270 feet to center line of old Stickney road to a point about 160 feet north of the center of new railroad route;

Ordered: 6. That all the expenses of opening up the new highway and discontinuing the old shall be paid by this petitioner, the Lake Champlain and Moriah Railroad Company;

Ordered: 7. That detail plans for crossing the Stickney road and Whitney street be filed by this petitioner with this Commission before the construction of said overcrossings.

[Case No. 652]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NEW JERSEY AND NEW YORK RAILROAD COMPANY, under section 34 of the Railroad Law for consent to the discontinuance of the station on said company's railroad at Union, Rockland county, as a station agency and place for the receipt and delivery of freight.

The New Jersey and New York Railroad Company having on December 21, 1908, filed with this Commission its petition, under section 34 of the Railroad Law for consent to the discontinuance of the station on said company's railroad at Union, Rockland county, as a station agency and place for the receipt and delivery of freight, it being proposed that the station be continued as a flag stop for passengers; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on April 19, 1909, *H. N. Andrews* appearing for the petitioner, and *Cornelius E. Blauvelt* appearing in opposition; and it appearing from the evidence at the hearing that the total earnings of this station for the year 1908 were $430.76, that the salary of the station agent for said year was $300, leaving a

difference of $130.76 without deducting from said difference expenses incident to stopping passenger trains at and printing passenger tickets for this station, and incidental expenses; and it appearing from the evidence that the Spring Valley station, at which there are the usual station facilities at an important point, is seven-tenths of a mile from Union station; and the petitioner having filed with this Commission a stipulation, that if this petition is granted it will provide that: First, carload freight destined for Union station, and billed to "Spring Valley station, Union switch," will be delivered at the present switch at Union station without additional charge above the rate named in New Jersey and New York Railroad Company's duly filed and published tariffs for the transportation of such freight to said Union station; Second, less than carload lots of freight consigned to parties at "Union, N. Y." will be delivered at Union station without additional charge above the rate named in New Jersey and New York Railroad Company's duly filed and published tariffs for the transportation of such freight to said Union station, provided that (1) said tariff charges thereon shall have been prepaid at point of origin of said freight, and (2) request for such delivery shall have been made at point of origin and noted on the bill of lading at the time of delivery of such freight for transportation, and (3) no responsibility shall rest upon New Jersey and New York Railroad Company in case freight duly delivered by it in accordance with such request shall be lost or stolen; Third, proper station accommodations for passengers at Union will be kept open, cleaned, lighted, and heated during the time that passenger trains arrive or depart; Fourth, all passenger trains now scheduled to stop at Union, and any trains which may hereafter be substituted in place of any of such trains, will hereafter stop on signal to take on or let off passengers at Union; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 34 of the Railroad Law this Commission hereby consents to the discontinuance on and after Saturday, June 12, 1909, of the station of the New Jersey and New York Railroad Company at Union, Rockland county, except as set forth in said stipulation, and hereby consents to the discontinuance on and after Saturday, June 12, 1909, of the services of a station agent at said station at Union;

Ordered: 2. That said New Jersey and New York Railroad Company shall cause to be published in the *Rocklanl County Leader* newspaper at Spring Valley, Rockland county, on Thursday, June 10, 1909, a notice to the public to the effect that on and after June 12, 1909, passenger trains will not stop at said station at Union except upon signal, and shall post two copies of a similar notice at said station on Wednesday, June 9, 1909, and shall file with this Commission proof of such publication and posting;

Ordered: 3. That this order shall take effect upon the service of a certified copy thereof upon said company, and shall remain in force until modified or abrogated by this Commission.

[*See* Case No. 652, page 244.]

[Case No. 641]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BENNINGTON AND NORTH ADAMS STREET RAILWAY COMPANY, under section 103 of the Railroad Law for approval of a declaration of abandonment of a portion of its constructed street surface railroad in the village of Hoosick Falls.

The petitioner herein having presented its petition, under section 103 of the Railroad Law, praying for the permission, consent, and approval of this Commission to abandon that part of its line as now operated from the junction of Main and Church streets in the village of Hoosick Falls to the end of the line at the tracks of the Boston and Maine Railroad: namely, that part of the line commencing at the junction of said Main and Church streets and running thence northerly on said Church street to River street, thence westerly on River street to Third street, thence northerly on Third street to Elm street, thence easterly on Elm street to the Boston and Maine Railroad, being 4562 feet long; and hearings on said petition having been had, and a personal inspection of the route asked to be abandoned having been made by Commissioners Sague and Olmsted, it is

Ordered: That the approval, permission, and consent of this Commission be given to the Bennington and North Adams Street Railway Company to abandon the following portion of the route hereinbefore described: to wit, that part of the line of the petitioner as now operated in said village of Hoosick Falls, commencing at the intersection of the easterly line of the right of way of the Boston and Maine Railroad with River street in said village, running thence westerly on River street to Third street, thence northerly on Third street to Elm street, thence easterly on Elm street to the Boston and Maine Railroad; on condition however that the said Bennington and North Adams Street Railway Company make the terminus of its line in the village of Hoosick Falls at the intersection of the easterly line of the Boston and Maine right of way with River street and that it furnish such facilities as have been customary at the present terminus of its line for the convenience of passengers boarding and alighting from its cars at such terminus.

[*See* Case No. 641, page 250.]

[Case No. 652]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NEW JERSEY AND NEW YORK RAILROAD COMPANY, under section 34 of the Railroad Law for consent to the discontinuance of the station on said company's railroad at Union, Rockland county, as a station agency and place for the receipt and delivery of freight.

Modification of Order.

After due deliberation it is

Ordered: That the order of this Commission of April 28, 1909, be and hereby is modified so that orders Nos. 1, 2, and 3 thereof shall read as follows:

Ordered: 1. That under section 34 of the Railroad Law this Commission hereby consents to the discontinuance on and after Thursday, July 1, 1909, of the station of the New Jersey and New York Railroad Company at Union, Rockland county, except as set forth in said stipulation, and hereby consents to the discontinuance on and after Thursday, July 1, 1909, of the services of a station agent at said station at Union;

Ordered: 2. That said New Jersey and New York Railroad Company shall cause to be published in the *Rockland County Leader* newspaper at Spring Valley, Rockland county, on Thursday, June 24, 1909, a notice to the public to the effect that on and after July 1, 1909, passenger trains will not stop at said station at Union except upon signal, and shall post two copies of a similar notice at said station on Thursday, June 24, 1909, and shall file with this Commission proof of such publication and posting;

Ordered: 3. That this order shall take effect upon the service of a certified copy thereof upon said company, and shall remain in force until modified or abrogated by this Commission.

[*See* Case No. 652, page 241.]

[Case No. 1040]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY, under section 70 of the Railroad Law as amended by chapter 564 of the laws of 1909, for the consent of this Commission to the abandonment of a portion of its line between West Pine Plains and West Salt Point, Dutchess county.

Whereas, The Central New England Railway Company has made petition, under section 70 of the Railroad Law as amended by chapter 564 of the laws

of 1909, for the consent of this Commission to the abandonment of a portion of its line between West Pine Plains and West Salt Point, Dutchess county; and

Whereas, Said Central New England Railway Company has filed with this Commission the following evidences of corporate action prescribed by the statute: 1, resolution adopted at a meeting of the board of directors held on the 10th day of June, 1909; 2, resolution adopted at a special meeting of the stockholders of said company held on the 20th day of July, 1909, ratifying the action of the board of directors; and also proof of publication of notices of hearing in this matter posted in stations along the line proposed to be abandoned, and in newspapers published in that locality; and

Whereas, Notice of aforesaid position and of the hearing in the matter has been sent by this Commission to William P. Gest, vice-president, Fidelity Trust Company, Philadelphia, Penna., and John D. Brown, 460 Drexel Building, Philadelphia, Penna., representing the bondholders under the mortgage covering the portion of line proposed to be abandoned, and no objection has been received from any bondholder to said abandonment; and

Whereas, A hearing duly advertised as aforesaid in this matter was held by the Public Service Commission, Second District, at Albany, August 24, 1909, at which all parties objecting to said abandonment were duly heard; and

Whereas, On September 3, 1909, a member of this Commission held a conference with all objecting parties at the station of Hibernia, Dutchess county, on the portion of line proposed to be abandoned, and personally inspected the locality; and

Whereas, It appears that said company owns parallel lines of railroad between said points, and this Commission after said hearings and inspection is satisfied that the line to be abandoned is no longer necessary to furnish proper and adequate service to the public, and that all the necessary requirements of law preliminary to abandonment have been complied with by said railway company, it is

Ordered: That this Commission hereby authorizes said Central New England Railway Company to abandon that portion of its line between West Salt Point station and West Pine Plains in Dutchess county, including the flag station at West Salt Point, agency station at Hibernia, agency station at East Stanfordville, the flag station at McIntyre, and the flag station at West Eno, being all the stations on the line between said points: West Salt Point and West Pine Plains; and it is further

Ordered: That the approval of this Commission of said abandonment shall, in accordance with chapter 564 of the laws of 1909, be indorsed upon and annexed to the aforesaid resolution of the directors and stockholders of said railway company.

[Case No. 1247]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of the HUDSON VALLEY RAILWAY COMPANY, under section 103 of the Railroad Law for approval of a declaration of abandonment of a portion of its route.

The Hudson Valley Railway Company having on September 10, 1909, filed with this Commission its petition, under section 103 of the Railroad Law for

approval of a declaration of abandonment, duly adopted by the directors and stockholders of the petitioner, of that portion of its route hereinafter described; and it appearing that the State has appropriated a portion of the petitioner's tracks and right of way sought to be abandoned for the construction of the new barge canal, and that it is for this reason that the petitioner seeks to abandon the portion of its route in question; and it further appearing that the petitioner has arranged for a new route or right of way for the purpose of laying its tracks and operating its railroad to take the place of the route now sought to be abandoned; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That this Commission hereby approves, pursuant to section 103 of the Railroad Law, the declaration of the abandonment of that portion of the route of the Hudson Valley Railway Company designated and described in the said declaration of its board of directors adopted July 26, 1909, declaring the same no longer necessary for the successful operation of its road and convenience of the public, said portion of its route being described as follows: commencing at a point in the Waterford and Whitehall turnpike, which point is about 200 feet southerly of the highway which leads from Old Saratoga to Greenwich; running thence northerly along said Waterford and Whitehall turnpike and curving to the east in and upon private property; thence through and from said private property to the highway leading from Old Saratoga to Greenwich; thence easterly along, in, and upon said highway and over and across the Champlain canal; thence curving to the north and entering upon private property owned by the Hudson Valley Railway Company to the southerly branch of the Hudson river; thence across said southerly branch of the Hudson river to an island; thence northerly across said island to the main branch of the Hudson river; thence northerly over and across said Hudson river to the county of Washington; thence northerly through and along private lands of the Hudson Valley Railway Company to the power canal of the American Box, Board and Paper Company.

[Case No. 1070]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 53 of the Public Service Commissions Law for approval of change of route.

Whereas, The Central New England Railway Company has applied to this Commission under section 53 of the Public Service Commissions Law, for approval of the right given to it by section 13 of the Railroad Law, to change its route in the manner hereinafter described, and to construct a double track on said changed route; and

Whereas, Public hearings duly advertised have been held in said application and in collateral applications as to the manner in which said changed route shall cross existing highways, the last hearing having been held in Albany on October 26, 1909; and

Whereas, It has been shown that the highways involved in said proceedings will be crossed by said changed railway line in the following manner: *At*

grade: 1. Fishkill Plains road, town of East Fishkill; 2, Hackensack road, or Briggs, or Murray's Hill, road, town of LaGrange; 3, Overrocker's road, town of Poughkeepsie. *Over grade:* 1, Didell's road, town of Wappinger; 2, Smith's or Daley's road, towns of Wappinger and LaGrange; 3, Freedom Plains road and the Pleasant Valley road at Manchester Bridge; and that the method of crossing other highways now crossed over or under grade by the existing line will remain unchanged; and

Whereas, Said Central New England Railway Company has filed a stipulation with this Commission agreeing to bear the entire expense of carrying its line over said highways at Didell's road and at Smith's or Daley's road, thereby eliminating the grade crossings now existing at said points; and

Whereas, Said changed railway route and the points of crossing the highways hereinbefore described have been inspected by a member of this Commission; and it appears from said examination and from the hearings in this matter that the line of said railway will be improved by the changes proposed and that improved service to the public will be afforded thereby, it is

Ordered: That the permission and approval of this Commission, under section 53 of the Public Service Commissions Law, is hereby given to said Central New England Railway Company to exercise its rights, under section 13 of the Railroad Law, to change the route of its existing single track and to construct an additional track on said changed route, in the county of Dutchess, beginning about at a point known as the Fishkill Plains highway grade crossing of said railway at Fishkill Plains in the town of East Fishkill, and extending westerly through the towns of East Fishkill, Wappinger, LaGrange, and Poughkeepsie to approximately a point known as Poughkeepsie Junction, in the town of Poughkeepsie, a distance of about 9¼ miles, substantially as laid out on a blue-print map, which said blue-print map is filed with this Commission and marked "Public Service Commission, Second District, Oct. 20, 1909, Applicant's Ex. No. 3, D. N. B."; on condition that the entire expense of constructing the new overgrade crossings hereinbefore described shall be borne by the Central New England Railway Company.

[*See* Case No. 1070, page 290; Case No. 1071, page 291.]

[Case No. 496]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on November 12, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Townley.

After due deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Townley, be and hereby is granted.

[Case No. 501]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Cooks.

After due deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Cooks, be and hereby is granted.

[Case No. 498]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on November 16, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Moynehans siding.

After due deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company for an order consenting to the discontinuance of its freight station at Moynehans siding, pursuant to section 34 of the Railroad Law, be and hereby is granted.

[Case No. 499]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on November 16, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, pursuant to section 34 of the Railroad Law, for an order consenting to the discontinuance of the freight station at Countrymans.

After due deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company for an order consenting to the discontinuance of its freight station at Countrymans station, pursuant to section 34 of the Railroad Law, be and hereby is granted.

[Case No. 1348]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the petition of the GLENFIELD AND WESTERN RAILROAD COMPANY, under section 55 of the Railroad Law for permission to cease the operation of its railroad from January 10, 1910, to April 30, 1910, both inclusive.

The Glenfield and Western Railroad Company having on November 29, 1909, filed with this Commission its petition under section 55 of the Railroad Law for permission to cease the operation of its railroad from January 10, 1910, to April 30, 1910, both inclusive; and it appearing that the facts are such that such permission should be given, it is

Ordered: 1. That under section 55 of the Railroad Law permission be and it is hereby given to Glenfield and Western Railroad Company to cease operation of its railroad from January 10, 1910, to April 30, 1910, both inclusive; that such operation shall be resumed May 1, 1910;

Ordered: 2. That a certified copy of this order shall be posted in all the depots and at the termini of such railroad and published in every newspaper in each town in any part of which such road is constructed at least four weeks prior to the date of such suspension of operation.

[Case No. 641]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BENNINGTON AND NORTH ADAMS STREET RAILWAY COMPANY, under section 103 of the Railroad Law for approval of a declaration of abandonment of a portion of its constructed street surface railroad in the village of Hoosick Falls.

Whereas, The petitioner herein has filed its application for a rehearing in this case dated November 10, 1909, asking for a reconsideration of the original order herein, to the end that the order be amended to allow the abandonment of that portion of petitioner's line in the village of Hoosick Falls commencing at the junction of Main and Church streets and running northerly on Church street to Willard street; and also asking for permission to exercise its franchise to build a street railway in Willard street in the said village of Hoosick Falls;

Ordered: That the application of the petitioner be and it is hereby granted in so far as it asks for a rehearing in this case, and that such hearing is hereby set down for the 13th day of December, 1909, 2 p. m., at the Capitol, at Albany; and at the same time and place the application for the exercise of petitioner's franchise in Willard street shall also be heard.

[*See* Case No. 641, page 243.]

[Case No. 1303]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY for consent to a discontinuance of station known as West Pleasant Valley.

Whereas, A duly advertised hearing in this matter was held by this Commission in the city of Poughkeepsie on the 1st day of November, 1909, at which parties opposed to the application were heard; and

Whereas, That portion of the Central New England Railway Company's road which extended from West Salt Point to West Pine Plains was by order of this Commission dated September 13, 1909, authorized to be discontinued, which discontinuance makes it necessary in order to maintain West Pleasant Valley as a station that the Central New England Railway shall run trains to and from West Pleasant Valley to serve only that station; and

Whereas, It appears that West Pleasant Valley station is located in the midst of a farming district and that there is no store in the immediate vicinity; and

Whereas, Verified statements filed by the Central New England Railway Company with this Commission in this matter show the following revenue and expenses for the West Pleasant Valley station: 1, freight revenue September 1, 1906, to August 31, 1909, $811.72; 2, passenger revenue October 1, 1906, to September 30, 1909, $489.05; 3, combined yearly average freight and passenger revenue for the three years, $433.59; 4, estimated expense of furnishing service for the West Pleasant Valley station per year, $5505; and

Whereas, The evidence submitted at the hearing in the city of Poughkeepsie, above referred to, shows that the people residing near West Pleasant Valley can be adequately served at the Pleasant Valley station, distant one and one-quarter miles from West Pleasant Valley station; therefore it is

Ordered: That the consent of this Commission is hereby given to the discontinuance of the above named West Pleasant Valley station, under the provisions of section 34 of the Railroad Law.

APPENDIX F

In the Matter of Crossings of Railroads with Streets, Avenues, Highways, and other Railroads.

APPENDIX F

[Case No. 570]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE TOWNS OF HANOVER AND SHERIDAN, Chautauqua county, *against* BUFFALO AND LAKE ERIE TRACTION COMPANY as to a highway crossing.

Whereas, Complaint has been made to this Commission that the crossing at grade of the Buffalo and Lake Erie Traction Company's line over the public highway in the town of Hanover known as the Buffalo and Erie road, at a point west of the village of Silver Creek and north of Glenwood cemetery, and a short distance easterly of the dividing line between the towns of Hanover and Sheridan, is dangerous and unsafe; and

Whereas, Upon said complaint and the answer of the said Buffalo and Lake Erie Traction Company thereto, a public hearing was held at the office of this Commission in the city of Buffalo on the 8th day of January, 1909, at which respondent was present, and it was at said hearing stipulated by the respondent that it would bring all of its cars to a full stop before crossing said highway at said point, that the conductor should go ahead to the middle of the highway and signal the motorman to proceed, and that the car should not proceed across said highway until such signal had been given; and

Whereas, Such stipulation was accepted by the complainants as being adequate relief in the case; it is

Ordered: 1. That the Buffalo and Lake Erie Traction Company is hereby ordered and directed to bring each and every of its cars to a full stop before crossing the said highway at said point, and that none of said cars shall proceed across the said highway until a signal shall have been given by the conductor from the highway to the motorman to proceed, after the said conductor shall have ascertained that it is safe for said car to pass over the said highway.

Ordered: 2. That this order shall take effect upon the service of a certified copy of the same upon said Buffalo and Lake Erie Traction Company, and shall continue in force until the further order of this Commission.

[Case No. 581]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of THE GARDENVILLE CITIZENS' ASSOCIATION *against* THE PENNSYLVANIA RAILROAD COMPANY as to the crossing at grade of said company's railroad and the Union road highway at a point about midway between the villages of Gardenville and Ebenezer, in the town of West Seneca, Erie county.

The Gardenville Citizens' Association having filed with this Commission complaint against The Pennsylvania Railroad Company, alleging that the crossing at grade of the railroad operated by said company and the Union road highway at a point about midway between the villages of Gardenville and Ebenezer, in the town of West Seneca, Erie county, is a particularly dangerous grade crossing, and asking this Commission to order that protection to the public using the crossing be afforded by said company; and said company having answered, in writing, said complaint; and a public hearing on said complaint having been held by Commissioners Stevens and Olmsted of this Commission in the city of Buffalo on January 8, 1909, *Wilbur E. Houpt* appearing for complainants and *Frank Rumsey* appearing for The Pennsylvania Railroad Company; and Commissioner Olmsted of this Commission having inspected the crossing in company with representatives of complainants and said company; and it appearing that at this crossing there are two main tracks and two side tracks of the railroad; now, upon the aforesaid complaint, answer, hearing, and inspection of the crossing, and after due deliberation, it is

Ordered: 1. That The Pennsylvania Railroad Company be and is hereby directed to install and maintain at the Union road highway grade crossing of the railroad operated by said company, at a point about midway between the villages of Gardenville and Ebenezer, in the town of West Seneca, Erie county, a flagman, whose duty shall be to warn traffic at that crossing of the approach of trains and to perform any other duties usually performed by flagmen, and who shall remain on duty at said crossing from the hour of 7 a. m. to the hour of 8 p. m. on all days of the week.

Ordered: 2. That said The Pennsylvania Railroad Company be and is hereby directed to, within thirty days after the service upon it of a certified copy of this order, install and maintain at said crossing an electric warning bell, to be automatically operated by approaching trains from either direction on the main tracks in a manner to give ample notice to the public of arriving trains at all hours of the day and night.

Ordered: 3. That this order shall take effect upon the service of a certified copy thereof upon The Pennsylvania Railroad Company and shall remain in force until modified or abrogated by this Commission.

[Case No. 596]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of S. A. FISHER of Otego, N. Y., *against* THE DELAWARE AND HUDSON COMPANY relative to protection at highway grade crossing Van Woert or Caulkins Crossing, Otego, N. Y.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainant advising that he does not desire to carry the matter any further.

[Case No. 436]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of CHARLES O. HODGES for a rehearing in the matter of the application for the elimination of highway grade crossings State road and Horseshoe Lake road on the main line of the New York Central and Hudson River railroad in the town of Stafford, order in which dated December 1, 1908, has been made by this Commission.

On the petition of Charles O. Hodges of the town of Stafford, asking for a rehearing herein, in order that the petitioners may be enabled to show that a subway is a more advantageous and desirable way of separating the grades to be separated herein, and on the statement made by George W. Kittredge, engineer of the New York Central and Hudson River railroad, that no opposition would be made by said railroad to the reopening of the case for further evidence herein, provided the said railroad should be given full opportunity on further hearing to be had to present its opposition, if any, to the prayer of the petition as to the manner of crossing, and that the said consent to a rehearing should be without prejudice in any manner to such action on the part of the New York Central and Hudson River railroad, it is

Ordered: 1. That a rehearing herein be and hereby is granted, the date therefor to be fixed hereafter by this Commission;

Ordered: 2. That the order dated December 1, 1908, of this Commission in said matter is hereby stayed pending the said rehearing and determination therein.

[*See* Case No. 436, page 275.]

[Case No. 653]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JOHN K. SAGUE, MAYOR OF THE CITY OF POUGHKEEPSIE, *against* CENTRAL NEW ENGLAND RAILWAY COMPANY as to the grade crossing in said city of North street and said railway.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, with the privilege of reopening at any time.

[Case No. 27]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the EAST SIDE TRACTION COMPANY (the railroad of which company is leased to and operated by the Syracuse Rapid Transit Railway Company) for permission to locate and construct a bridge over the tracks of the New York Central and Hudson River railroad at East Syracuse.

After due deliberation it is

Ordered: That the above entitled matter be closed on the records of this Commission, attorneys for interested parties having filed a stipulation requesting such discontinuance of proceedings.

[Case No. 771]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2d day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Elimination of certain grade crossings on the Hudson and Harlem divisions of the New York Central and Hudson River railroad within the so called electric zone, and as to clearance for bridges and other overhead construction in connection therewith.

Whereas, The subject of clearance for bridges and other overhead construction above railway tracks on that part of the lines of The New York Central and Hudson River Railroad Company which is located within what is called and known as the electric zone of that company, and which extends on its Hudson division from Grand Central Station, New York city, to Croton, and on its Harlem division from Grand Central Station to North White Plains, has been under consideration by the Commission; and

Whereas, The safety of men employed upon or in connection with trains or in yard or station switching is involved in such consideration of clearances above the railway tracks of overhead construction in railroad operation within said electric zone to the extent of their being required or permitted to go upon or work or ride upon the tops or roofs of freight cars or upon the water tanks or coal loads of locomotive tenders in passenger or freight service while such cars or tenders are in motion; and

Whereas, At a hearing duly called and held in this matter at the Engineering Societies Building, New York city, January 18, 1909, The New York Central and Hudson River Railroad Company did by its counsel and its vice-president and general manager there appearing in its behalf, consent to the entry and service of an order by this Commission directing and requiring the said The New York Central and Hudson River Railroad Company to wholly cease from in anywise requiring or permitting any of its employees to go upon or work or ride upon freight cars or the tanks or coal loads of locomotive tenders while in motion within said electric zone; and

Whereas, The Brotherhood of Railroad Trainmen was represented by counsel and others at said hearing in opposition to the issuance of such order, and the said Brotherhood of Railroad Trainmen did subsequently appear at the office of this Commission in Albany by Mr. Arthur W. Evans and withdraw opposition to such order; and

Whereas, From the record of accidents to trainmen due to falling from the tops of cars while in motion over the lines of The New York Central and Hudson River Railroad Company within said electric zone, from the number of existing overhead bridges and other overhead construction in said electric zone, and from the declaration made on behalf of said company at the aforesaid hearing that train operations within said zone, and also switching operations within said zone, without the necessity of the men being upon the tops of the cars, are entirely practicable at the present time and will continue to be practicable: the showing having been made that train operating conditions in said zone differ materially and greatly from train operating conditions on other parts of the company's system, it appears to the Commission that such order should now be issued with a view to insuring the safety of train employees operating within that zone to the full extent practicable in this matter; therefore

Ordered: 1. That for the purpose of insuring safety to employees engaged in the operation of trains or the movement of freight cars in what is known as the electric zone of lines owned and operated by The New York Central and Hudson River Railroad Company, which said zone extends from Grand Central Station, New York city, to Croton on the Hudson division, and from Grand Central Station, New York city, to North White Plains on the Harlem division, of said company's lines, the said The New York Central and Hudson River Railroad Company be and is hereby directed and required to wholly cease and desist from in anywise requiring, permitting, or allowing, and by proper rules shall forbid any train or other employee to go upon, ride upon, or in any exigency work upon the top or roof of any freight car or caboose, or to go upon, ride upon, or in any exigency work upon the water tank or above the coal load of any locomotive tender used either in freight or passenger service, while the said freight car, caboose, or locomotive tender is in motion upon any portion of its lines within said electric zone, or while any such freight car, caboose, or locomotive tender is being used for switching purposes, in making up trains, or in the separation of any train into two or more parts, at or about any station, yard, or siding within said electric zone, when the movement of such freight car, caboose, or locomotive tender passes under or within three hundred feet of any bridge or other overhead construction having a clearance above the railroad track, switch, yard, or siding of less than twenty-one feet.

Ordered: 2. That said The New York Central and Hudson River Railroad Company shall put in force rules or regulations for the government of its train, yard, and other employees which will make the provisions of this order continuously effective, and that a notice embodying the requirements of this order, duly signed by the proper official or officials of said The New York Central and Hudson River Railroad Company, shall be kept posted in every caboose used in freight service and in every engine house used in freight or passenger service within said electric zone.

Ordered: 3. That this order shall take effect March 30, 1909, and remain in force until changed or superseded by the further order of the Commission.

Ordered: 4. That said The New York Central and Hudson River Railroad Company within ten days after service of this order upon it notify this Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 777]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Elimination of the Van Anden street grade crossing in the city of Auburn, N. Y.

Whereas, The City of Auburn through its representatives having refused to accept the work performed by The New York Central and Hudson River Railroad Company by order of the Board of Railroad Commissioners under section 62 of the Railroad Law in connection with the elimination of the Van Anden street grade crossing of said railroad; and

Whereas, At a meeting of the Commission with the mayor, city attorney, and city engineer of the City of Auburn, representatives of the engineering

department of The New York Central and Hudson River Railroad Company, and the engineer of grade crossings of the Public Service Commission, in Albany on December 8, 1908, it was agreed that a joint petition by the City of Auburn and The New York Central and Hudson River Railroad Company should be presented to the Public Service Commission, asking that the work as hereinafter specified shall be authorized by the Public Service Commission in order that the work may be entirely satisfactory from the City's point of view; the work agreed to being as follows: 1st, to repair the defective sidewalks and curbing along Street B at the railroad company's sole expense; 2nd, to pave Street B from the north side of Van Anden street to the north side of Chapel street with second-hand stone blocks laid on concrete foundation 6 inches thick with sand cushion, the width of paving to be 23 feet 6 inches measured from the curb line, this portion of the work to be borne by the three interested parties as prescribed by statute; and

Whereas, Such joint petition by the City of Auburn and The New York Central and Hudson River Railroad Company has been received by this Commission; it is

Ordered: That the extra work above specified as being necessary to be performed in connection with this matter be and is hereby ordered by the Public Service Commission, Second District, to be executed.

[Case No. 591]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of F. R. WILLEY, PRESIDENT OF THE VILLAGE OF FREEVILLE, *against* LEHIGH VALLEY RAILROAD COMPANY as to protection at highway grade crossings.

After due deliberation it is

Ordered: That the matter of this complaint be and it is hereby closed on the records of this Commission, with the privilege of reopening at any future time.

[Case No. 789]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION. SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK AND NORTH SHORE TRACTION COMPANY, under section 68 of the Railroad Law for an order determining whether its single-track railroad shall cross the Long Island railroad above, below, or at grade of the Long Island railroad, at a point in the village of Mineola where the petitioner's railroad is on private right of way near Searing avenue, and fixing the proportion of expense of said crossing to be paid by each railroad.

The New York and North Shore Traction Company having on March 15, 1909, filed with this Commission its petition, under section 68 of the Railroad Law, for an order determining whether its single-track railroad shall cross the Long Island railroad above, below, or at grade of the Long Island railroad, at a point in the village of Mineola where the petitioner's railroad is on private right of way near Searing avenue, and fixing the proportion of expense of said crossing to be paid by each railroad; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 22, 1909, *James A. MacElhinny* appearing for the petitioner and *Joseph F. Keany* appearing for The Long Island Railroad Company; now, upon the aforesaid petition, papers filed, and statements at the hearing, and after due deliberation, it is

Ordered: 1. That The New York and North Shore Traction Company be and it hereby is authorized, pursuant to section 68 of the Railroad Law, to construct its track and road over and across the tracks of the Long Island railroad, in the village of Mineola, Nassau county, upon the new or changed route this day approved by this Commission, which new or changed route is fully described in said resolution and order of approval, above the grade of the tracks of the said The Long Island Railroad Company.

Ordered: 2. That said crossing be made with a clearance of not less than twenty-one feet above the top of the rails of the said Long Island railroad.

Ordered: 3. That the said New York and North Shore Traction Company, as soon as practicable, submit plans for the structure to be constructed by it for carrying its said railroad over the tracks of the Long Island railroad to this Commission for its approval, and that no construction be undertaken until the said plans are finally approved and this Commission shall have authorized construction in accordance with plans approved by it.

Ordered: 4. That the entire expense of such overcrossing shall be paid by The New York and North Shore Traction Company.

[Case No. 804]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY, under section 68 of the Railroad Law.

The Rochester, Syracuse and Eastern Railroad Company having on March 25, 1909, filed with this Commission its petition, under section 68 of the Railroad Law for an order determining whether its electric railroad shall cross the railroads and rights of way of The New York Central and Hudson River Railroad Company, the West Shore Railroad Company (leased to and operated by The New York Central and Hudson River Railroad Company), and the Oswego and Syracuse railroad (leased to and operated by The Delaware, Lackawanna and Western Railroad Company), at points hereinafter named, above, below, or at the grade of the steam railroads, and fixing the proportion of expense of such crossings to be paid by each railroad; and certified copies of agreements between The New York Central and Hudson River Railroad Company and this petitioner, and between The Delaware Lackawanna and Western Railroad Company and this petitioner, as to such crossings being filed with this Commission; now, upon the aforesaid petition, and after due deliberation, and under section 68 of the Railroad Law, it is

Ordered: 1. That the double-track railroad of the Rochester, Syracuse and Eastern Railroad Company shall cross the West Shore railroad and its right of way (leased to and operated by The New York Central and Hudson River Railroad Company) at Weedsport, Cayuga county, below the grade of the West Shore railroad in an undercrossing; the expense of said undercrossing to be borne as provided by an agreement between the Rochester, Syracuse and Eastern Railroad Company and The New York Central and Hudson River Railroad Company, a certified copy of which is on file with this Commission.

Ordered: 2. That the double-track railroad of the Rochester, Syracuse and Eastern Railroad Company shall cross the West Shore railroad and its right of way (leased to and operated by The New York Central and Hudson River Railroad Company) at a point about one and a-quarter miles east of Weedsport in the town of Brutus, Cayuga county, above the grade of the West Shore railroad on an overhead bridge; the expense of said overhead bridge crossing to be borne as provided by an agreement between the Rochester, Syracuse and Eastern Railroad Company and The New York Central and Hudson River Railroad Company, a certified copy of which is on file with this Commission.

Ordered: 3. That the double-track railroad of the Rochester, Syracuse and Eastern Railroad Company shall cross the West Shore railroad and its right of way (leased to and operated by The New York Central and Hudson River Railroad Company), and the New York Central and Hudson River railroad and its right of way, at a point about one and a-half miles west of Memphis in the town of Elbridge, Onondaga county, above the grade of the West Shore railroad and the New York Central and Hudson River railroad on one overhead bridge; the expense of said overhead bridge crossing to be borne as provided by an agreement between the Rochester, Syracuse and Eastern Railroad Company and The New York Central and Hudson River Railroad Company, a certified copy of which is on file with this Commission.

Ordered: 4. That the double-track railroad of the Rochester, Syracuse and Eastern Railroad Company shall cross the Oswego and Syracuse railroad and its right of way (leased to and operated by The Delaware, Lackawanna and Western Railroad Company) at a point in the town of Geddes, Onondaga county, above the grade of the Oswego and Syracuse railroad on an overhead bridge; the expense of said overhead bridge crossing to be borne as provided by an agreement between the Rochester, Syracuse and Eastern Railroad Company and The Delaware, Lackawanna and Western Railroad Company, a certified copy of which is on file with this Commission.

[Case No. 387]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the MAYOR OF THE CITY OF ELMIRA *against* ERIE RAILROAD COMPANY as to obstruction of the Water Street grade crossing of its railroad by its freight trains.

On reading and filing the complaint, answer, and other papers herein, and after hearing witnesses, and reading and filing briefs of counsel, and upon due deliberation, it is

Ordered: That the matter of this complaint be and it is hereby dismissed.

[Case No. 480]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the GENESEE RIVER RAILROAD COMPANY for modification of an order of the Board of Railroad Commissioners of the State of New York dated October 10, 1906, to determine the manner in which its railroad shall cross the streets, avenues, and highways in Livingston and Allegany counties.

Whereas, A petition herein of Ira E. Amsden, sole commissioner of highways in the town of Cuba, Allegany county, N. Y., has been presented, asking for a rehearing herein on several grounds named in said petition; now, after due consideration of the same, and of the brief submitted by *Harry E. Keller* and *D. D. Dickson,* attorneys for the petitioner, it is

Ordered: That the petition be and the same is hereby denied.

[Case No. 744]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the TOWN BOARD AND HIGHWAY COMMISSIONER OF THE TOWN OF ITHACA, Tompkins county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY as to undergrade crossing of said company's railroad by the Ithaca road highway.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, attorney for complainants advising that he wished to withdraw the complaint.

[Case No. 715]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the GREENWICH AND JOHNSONVILLE RAILWAY COMPANY for a modification of a part of the determination of the Board of Railroad Commissioners dated October 17, 1906, under section 60 of the Railroad Law, as to the manner in which an extension of said company's railway shall cross the Cambridge-Salem turnpike.

Ordered: That the matter of this petition be closed on the records of this Commission, the petition having been withdrawn at hearing of April 20, 1909.

[Case No. 470]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of ELVIN N. EDWARDS *against* LONG ISLAND RAILROAD COMPANY as to Bay View Avenue crossing in Freeport.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, complainant requesting that the matter be dropped.

[Case No. 589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of MUNICIPAL AUTHORITIES AND RESIDENTS OF THE TOWN OF CHILI, Monroe county, *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (lessee West Shore railroad) as to protection at highway grade crossings.

The supervisor and residents of the town of Chili having made complaint against Buffalo, Rochester and Pittsburgh Railway Company and The New York Central and Hudson River Railroad Company (as lessee of the West Shore railroad) that insufficient protection to the traveling public is given at the highway crossing of the Buffalo, Rochester and Pittsburgh Railway near Maplewood station in the town of Chili, and the West Shore crossing of the highway known as the Paul Road in the town of Chili; and a hearing upon the said complaint having been had at Rochester on the 18th of February, 1909, and the said crossings having been inspected by Commissioner Olmsted; and The New York Central and Hudson River Railroad Company having since the date of said public hearing removed from the highway the trees and shrubbery near the West Shore crossing of the said Paul Road on the north side of the railroad tracks, shown in respondent's exhibit No. 9; and having further removed the boarding cars standing upon the tracks of the West Shore railroad, shown in respondent's exhibit No. 6; it is

Ordered: That the complaint as to The New York Central and Hudson River Railroad Company be dismissed.

It is further Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and hereby is directed to install and maintain at the crossing of said Paul Road by the tracks of the Buffalo, Rochester and Pittsburgh

Railway Company, at Maplewood station in the town of Chili, an electric warning bell to be automatically operated by approaching trains from either direction on the main tracks or on switches, so as to give ample notice to the public of arriving trains at all hours of the day and night.

It is further Ordered: That said electric bell shall be installed by the Buffalo, Rochester and Pittsburgh Railway Company on or before the 1st day of June, 1909, and shall be maintained until further order of this Commission.

[*See* Case No. 589, page 273.]

[Case No. 725]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY *against* CENTRAL NEW ENGLAND RAILWAY COMPANY as to bridge over the Central New England railway on North Clinton street, Poughkeepsie, used by cars of complainant.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, attorney for the Central New England Railway Company advising that the Central New England Railway Company should repair the bridge in question.

[Case No. 602]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the TOWN BOARD OF THE TOWN OF ROYALTON, Niagara county, under section 61 of the Railroad Law, for an order determining whether a new piece of highway in said town shall be constructed across the New York Central and Hudson River railroad over or under said railroad, or at grade.

Whereas, The town board of the town of Royalton, Niagara county, did on the 6th day of August, 1908, open and lay out a highway in said town,

which highway is particularly described in the application of said town board to this Commission dated October 28, 1908, and filed on the 28th day of November, 1908; and

Whereas, Said highway was laid out over and across lands occupied by The New York Central and Hudson River Railroad Company, a description of said highway over said lands being as follows: Beginning at a point in the north line of the right of way of The New York Central and Hudson River Railroad Company which is 581 feet and 1 inch east of the west line of lot 3, and running thence easterly along the north line of the right of way of said New York Central and Hudson River Railroad Company's land, 3 rods; thence southerly at right angles 66 feet; thence to the south line of the right of way of The New York Central and Hudson River Railroad Company's land; thence westerly along the south line of the right of way of The New York Central and Hudson River Railroad Company's land, 3 rods; thence northerly at right angles 66 feet, to the place of beginning; and

Whereas, The said town board of Royalton has, pursuant to section 61 of the Railroad Law, made application to this Commission for its determination as to the manner in which the said highway shall pass over or under said railroad, or at grade; and

Whereas, A hearing has been duly had, pursuant to statute, on said application; now therefore it is

Ordered: 1. That the said highway shall be constructed over the said railroad upon a metal viaduct, with a clearance of at least twenty-one feet above the top of the rail of the said railroad;

Ordered: 2. That the town board of Royalton shall submit to this Commission plans and specifications for the said viaduct or structure, which shall show the height, length, and material, said height and material to be in accordance with the provisions herein contained; also the length, character, and grade of the approaches thereto;

Ordered: 3. That upon the submission of such plans and specifications the same be considered by this Commission with reference to the final approval thereof, and that a final order be entered upon approval of the plans and specifications as submitted by the town of Royalton.

[Case No. 724]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF PORT LEYDEN *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Whereas, In the matter of the complaint of residents of Port Leyden against The New York Central and Hudson River Railroad Company, petitioning that the Main Street crossing of the railroad operated by said company in said village be protected by gates, a hearing has been held at Albany, May 17, 1909, at which it was shown to the satisfaction of the Commission that the safety of the public at this crossing would be sufficiently provided for, as compared with other grade crossings in the State, by the installation of a crossing-bell, it is

Ordered: 1. That The New York Central and Hudson River Railroad Company be and hereby is required and directed to install a suitable automatic crossing-bell at the Main Street crossing in the village of Port Leyden not later than July 1, 1909;

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said company, and shall continue in force until modified or abrogated by this Commission.

[Case No. 815]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the CITIZENS' ASSOCIATION OF GARDENVILLE, Erie county, *against* THE PENNSYLVANIA RAILROAD COMPANY as to the Indian Church Road and Aurora Street grade crossings with said company's railroad at Winchester.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, satisfactory adjustment having been made at hearing held at Buffalo, May 21, 1909.

[Case No. 867]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of REV. WILLIAM B. JOHNSON and the Complaint of WILLIAM H. MORVAN of Campbell Hall, N. Y., *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to dangerous condition of grade crossing of said railway known as Clark's Creamery Crossing, west of Campbell Hall.

After due deliberation it is

Ordered: That the matter of this complaint be and is hereby closed on the records of this Commission, complainants advising that the offer of the company to install an electric automatic bell at the crossing satisfactorily disposes of the cause of complaint.

[Case No. 931]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of derailing switches in the Auburn and Northern Electric railroad on State street in the city of Auburn.

Whereas, The Auburn and Northern Electric Railroad Company, by letter of April 21, 1909, has objected to the recommendation of the electric railroad inspector of this Commission, as follows: "That the grade crossing of the Lehigh Valley tracks on State street in the city of Auburn be equipped with derails in the electric track, one on either side of the crossing"; and

Whereas, A hearing has been held at Albany, May 10, 1909, at which the railroad company failed to show to the satisfaction of this Commission that said recommendation for the operation of derails is unnecessary; and

Whereas, In the opinion of the Commission the use of derails at said crossing is a reasonable requirement in the interest of safety; it is

Ordered: 1. That the Auburn and Northern Electric Railroad Company be and hereby is required and directed to install derails in its electric tracks one on each side of the crossing of the Lehigh Valley tracks on State street in the city of Auburn, and to put said derails into operation not later than August 1, 1909;

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said company, and shall continue in force until modified or abrogated by this Commission.

[Case No. 935]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF WAVERLY, for annulment of a determination dated November 9, 1906, under section 62 of the Railroad Law, of the Board of Railroad Commissioners, as to changing the East Chemung Street grade crossing of the Lehigh Valley railroad in said village to an overcrossing.

It appearing from the office original determination on file that on November 9, 1906, the Board of Railroad Commissioners determined, under section 62 of the Railroad Law, on the petition of the president and trustees of the village of Waverly, that the crossing at grade of the Lehigh Valley railroad by East Chemung street in said village should be changed from grade to an overhead

bridge crossing of said railroad; and the president and trustees of said village having on April 23, 1909, filed with this Commission a petition asking that said determination of the Board of Railroad Commissioners be annulled; and it appearing that detail plans, specifications, estimate of expense, or proposals of contractors for said overhead bridge crossing have not been approved either by the former Board of Railroad Commissioners or by this Commission, and that no steps toward the actual construction of said overhead bridge crossing have been taken; now upon the aforesaid petition, and after due deliberation, it is

Ordered: That the petition of the president and trustees of the village of Waverly that a determination dated November 9, 1906, of the Board of Railroad Commissioners, under section 62 of the Railroad Law, that the East Chemung street grade crossing of the Lehigh Valley railroad in the village of Waverly should be changed from grade to an overhead bridge crossing of said railroad be annulled by this Commission, be and hereby is granted, and said determination of the Board of Railroad Commissioners is hereby annulled, without prejudice to the filing with this Commission in the future of a petition for the elimination of this grade crossing.

[Case No. 465]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the COMMISSIONER OF HIGHWAYS OF THE TOWN OF CARROLLTON, Cattaraugus county, *against* THE WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY as to condition of highway crossings.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, complainant advising that the repairs now made are satisfactory.

[Case No. 868]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of HARRY T. CRIST, CORONER OF ORANGE COUNTY, for an order requiring the Erie Railroad Company to operate its gates at West Main Street crossing in Middletown during twenty-four hours each day.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, complainant advising that the offer of the company to place a night gateman at this crossing satisfactorily disposes of his complaint.

[Case No. 471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the TOWN OF BUSTI *against* ERIE RAILROAD COMPANY as to condition of Sherman's Bay and Boomers Corners crossings of the Erie railroad.

After due deliberation it is

Ordered: That the above entitled matter be closed on the records of this Commission, attorney for complainant consenting to discontinuance of action.

[Case No. 589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of MUNICIPAL AUTHORITIES AND RESIDENTS OF THE TOWN OF CHILI, Monroe County, *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY (lessee West Shore railroad) as to protection at highway grade crossings.

Modification of Order.

Whereas, By an order of this Commission made on the 12th day of May, 1909, the Buffalo, Rochester and Pittsburgh Railway Company was ordered to install at the Maplewood Station crossing in the town of Chili, N. Y., an automatic crossing-bell on or before the 1st of June, 1909; and

Whereas, The Buffalo, Rochester and Pittsburgh Railway Company has by its attorney notified this Commission that through inability to obtain the bell from the manufacturers it has been unable to install the same before June 1st, but will do so on or before the 15th of June, 1909; now

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and hereby is given until June 15, 1909, to install said automatic crossing-bell.

[*See* Case No. 589, page 266.]

[Case No. 436]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application for the elimination of highway grade crossings State road and Horseshoe Lake road on the main line of the New York Central and Hudson River railroad in the town of Stafford.

A hearing in the above entitled action having been held at Rochester, N. Y., on the 14th of October, 1908, and the proceeding having been further adjourned at that time to enable the engineer of this Commission to inspect the ground personally; and such inspection having been made on the 16th of October, 1908, at which A. H. Sutermeister, the engineer of grade crossings of this Commission, was present, also members of the town board of the town of Stafford, and J. W. Pfau, engineer of the New York Central and Hudson River railroad; and the matter having been further adjourned to enable the railroad company to present and file its modified plan for the elimination of said grade crossings and to file descriptions of the new highways to be laid out, etc.; and the same having been filed with this Commission on the

27th day of November, 1908; and an order of this Commission having been issued on the 1st day of December, 1908, directing the method of the elimination of the highway crossings in the title referred to; and the petition of Charles O. Hodges having been submitted to this Commission, asking for a rehearing herein; and an order of this Commission having been issued on the 22nd day of Januard, 1909, directing such rehearing herein; and such rehearing having been held at a public meeting of this Commission in Rochester on the 18th day of February, 1909, of which all parties hereto had due notice; and the final plans and specifications of the new proposed method of elimination of said crossings having been filed with this Commission by The New York Central and Hudson River Railroad Company on the 29th day of May, 1909, and due consideration having been had; now therefore

Ordered: That the application of the town board of the town of Stafford, Genesee county, be granted, and that said elimination be carried out in the following manner:

1. That the highway known as the Horseshoe Lake road be closed and discontinued as a public highway across the right of way of The New York Central and Hudson River Railroad Company, but not to be closed or discontinued as such public highway elsewhere than over and across such right of way; such discontinuance to take effect when the overhead bridge hereinafter provided for is completed and ready for use.

2. That the highway known as the State road be closed and discontinued as a public highway from the northerly line of the right of way of The New York Central and Hudson River Railroad Company southerly across said right of way to a point about 405 feet southerly from the said right of way, measuring in the center of the highway to the northerly line of the highway hereinafter directed to be laid out and open in lieu of said crossings herein closed.

3. That a new highway be opened and laid out, the lands necessary and proper therefor being bounded and described as follows: South of the New York Central and Hudson River railroad, beginning at a point in the south side of the old State road distant 579 feet from the intersection of the south line of the said road with the easterly right of way line of The New York Central and Hudson River Railroad Company's property, and running (1) thence south 43° 15′ west 620 feet more or less; (2) thence south 12° 5′ east 38 feet more or less; (3) thence south 78° 55′ west 25 feet more or less; (4) thence south 86° west 48 feet more or less; (5) thence south 3° 50′ west 584 feet more or less; (6) thence north 83° 50′ west 26 feet more or less, to a point in the easterly boundary of the Horseshoe Lake road; (7) thence north 3° 50′ east 25 feet more or less, along the easterly line of the Horseshoe Lake road; (8) thence north 83° 50′ west 113 feet more or less, along the northerly boundary of the Horseshoe Lake road; (9) thence north 3° 50′ east 540 feet more or less; (10) thence south 86° west 153 feet to the easterly boundary line of The New York Central and Hudson River Railroad Company's right of way; (11) thence north 43° 15′ east 378 feet more or less, to the southerly line of the old State road highway; (12) thence north 65° 5′ east 579 feet more or less, to the point of beginning. North of the New York Central and Hudson River railroad, beginning at a point which is the intersection of the westerly line of The New York Central and Hudson River Railroad Company's right of way and the southerly line of old State road highway, and extending (1) thence south 43° 15′ west 138 feet more or less, along the westerly side of The New York Central and Hudson River Railroad Company's right of way; (2) thence south 81° 10′ west 195 feet more or less, to a point on the southerly boundary of the old State road highway; (3) thence north 65° 45′ east 313 feet more or less, to the point of beginning.

4. That the said new highway be carried over the right of way of the New York Central and Hudson River railroad upon a steel bridge in three spans with a timber floor, the lowest point of such part of the superstructure as is over the tracks to be at a height of 21 feet from the top of the rails; the clear width between insides of wheel-guards to be 20 feet; the surface

of the new approaches shall be paved with gravel, and a substantial timber railing shall be built where the embankments are two feet or more in height; the general layout to be followed to be substantially as shown upon a general plan submitted in this proceeding and on file in this office, said plan being entitled: "N. Y. C. & H. R. R. R. Co. leased and operated lines, Western Div. Main Line. Elimination of Grade Crossings Horseshoe Lake and old State Roads, Town of Stafford, 3.5 miles east of Batavia Station. Office of Engineer of Grade Crossings. New York, May 15, 1909. Issue No. 2. Revised May 28, 1909."

[*See* Case No. 436, page 257.]

[Case No. 102]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

The petition of The New York Central and Hudson River Railroad Company herein having been filed with the former Board of Railroad Commissioners 24th June, 1905, alleging that public safety requires the following alterations in the highway crossing over the petitioner's railroad in the village of Ossining: 1, the closing and discontinuance of the Main Street and Quimby Street crossings of said railroad; 2, the closing and discontinuance of the crossings of said railroad by three alleys or driveways north of Quimby street; 3, the construction of a new street on the east side of said railroad from Main street to Secor street (sometimes called Secor road); 4, the construction of an overhead crossing of said railroad at a point near the south end of the present passenger station, said overhead crossing to be a continuation of Secor street; 5, the construction of an overhead crossing of said railroad at Broadway; and 6, the construction of an overhead crossing of said railroad for pedestrians at Quimby street, such proposed changes being shown on petitioner's plan filed with the petition herein; and the Board of Railroad Commissioners having held public hearings on said petition at Ossining 1st August, 1905, and New York city 14th November, 1905; and the Public Service Commission, Second District, having held hearings thereon at Albany 23d September, 1907, and 14th January, 1908; and the matter being held open after the last hearing and the general subject of clearances of overhead bridges within the electric zone, which includes Ossining, having been considered at a hearing of the Public Service Commission, Second District, in New York city 18th January, 1909; and several personal inspections by the Commission having been made to determine the best method of grade crossing elimination for the village of Ossining, and various conferences with residents of that village and with the officers of the petitioner having been held; and it further appearing to the satisfaction of the Commission that two additional main tracks of petitioner's railroad in the village of Ossining and the extension of the side track therein so that there will be a total of four main tracks and one continuous siding are necessary; and petitioner having undertaken to bear the additional cost of grade elimination due to such additional tracks and siding; now, after

hearing *Ira A. Place, Albert H. Harris, Alexander S. Lyman, C. C. Paulding,* and *George H. Walker* for the petitioner; *Frank L. Young* for the president and board of trustees of the village of Ossining; *Joseph M. Rigney,* chairman road committee of the village of Ossining; *Robert Lemney,* chairman lighting committee of the village of Ossining; *F. A. Stratton* and *Stephen Wilder* for the Northern Westchester Lighting Company; *John Gibney* for George W. Cartwright, the Rigney estate, and Jacob Ruppert's Company; *Samuel Watson* for Anna A. Brandreth, John Turner & Son, and Harriet Turner, property owners; *Francis Larkin* for the estate of Francis Larkin; *J. M. Terwilliger* for the Cronk estate; *John P. Faure* for the Board of Trade of Ossining; *Philip B. Adams* for Armour & Company; *Smith Lent* for Washburne & Todd; *C. B. Palmer* for John Turner; *Henry N. Carpenter, William E. Baler,* and *John P. Faure* as committee representing the Shattemuc Yacht and Canoe Club; and *Irvin I. Williams, J. Henry Holden, Ulysses J. Chadeayne, William Haddow,* and *Robert M. Aiken* for property owners; and after due consideration of the evidence taken at the hearings and from personal inspection of the locality the Commission determines under section 62 of the Railroad Law: 1. That public safety requires the elimination of the grade crossings in the village of Ossining. 2. That the method of elimination shall conform to the following requirements: *a.* The highways are to be carried over the railroad tracks by bridges having a minimum clearance of sixteen (16) feet from top of rail; *b.* A continuous westerly roadway from Broadway to Secor street is to be provided as part of the grade crossing elimination; *c.* The general design of bridges and approaches is to conform to petitioner's plan originally dated New York, September, 1907, issue No. 5, but revised and dated as received at office of Public Service Commission May 17, 1909, and marked scheme M. 3. That the approximate cost of grade crossing elimination covered by this order is two hundred and twenty thousand dollars ($220,000), which cost shall be paid as provided by law. In accordance with the foregoing determination, and after due deliberation, it is

Ordered: 1. That Secor road in the village of Ossining shall be extended and carried over the grade of the New York Central and Hudson River railroad at about a point known as station 1631 + 65, railroad stationing. The entire easterly approach and the superstructural portion of the westerly approach shall be paved with brick. The portion of the viaduct over the tracks shall be paved with asphalt. That portion of the westerly approach extending from the southerly end of the superstructure shall be paved with Belgian block on sand. Beginning at the intersection of the Secor road with Water street, the easterly approach shall ascend on an earth embankment on a 6.8 per cent grade to the east line of South Water street. At this point a change to solid floor steel viaduct construction shall be made. The balance of this easterly approach which is located upon this viaduct construction shall ascend westerly on about a 4.38 per cent grade for about ninety (90) feet; it shall then ascend on 0.5 per cent grade a distance of about twenty-five (25) feet at which point shall begin a crown for about forty (40) feet; it shall then descend on a 0.5 per cent grade about thirty-five (35) feet. The westerly approach shall descend toward the west on about a 6.48 per cent grade to a right-angle turn on which there shall be no grade. Continuing from this level portion, the viaduct construction, carrying a floor descending northerly at the rate of 8 per cent, shall be continued for a distance of about one hundred and thirty-eight (138) feet, and from this point the 8 per cent grade shall be continued northerly to an intersection with the grade of a continuous westerly roadway hereinafter described, on an earth embankment paved with brick retained between masonry walls. The easterly approach shall be thirty (30) feet wide, of which twenty-four (24) feet shall be in a roadway and six (6) feet in a concrete sidewalk. That portion of the structure over the tracks shall be forty-eight (48) feet wide, forty (40) feet being in roadway and eight (8) feet in concrete sidewalk. The westerly approach shall be thirty (30) feet wide, twenty-six (26) feet being in roadway and four (4) feet in concrete sidewalk. At the right-angle turn in the westerly approach additional room in the roadway shall be provided as indicated upon the plan. The lowest part of the structure shall clear the tops of the rails of the railroad by a

height not less than sixteen (16) feet. If desired by the municipality, a parapet of sufficient height shall be erected on the easterly side of the west approach.

2. That the Main Street grade crossing of the New York Central and Hudson River railroad in the village of Ossining shall be closed and discontinued, and that an overgrade steel foot-bridge, seven (7) feet wide in the clear, shall be constructed within the present street lines. The lowest portion of this bridge shall clear the tops of the rails with a height of not less than sixteen (16) feet.

3. That the Quimby Street grade crossing of the New York Central and Hudson River railroad in the village of Ossining shall be closed and discontinued, and that an overgrade steel foot-bridge, seven (7) feet wide in the clear, with a clearance of sixteen (16) feet above the top of the rails, shall be constructed at the present crossing.

4. That Broadway in the village of Ossining shall be extended and carried over the New York Central and Hudson River railroad approximately at station 1647 + 30, railroad stationing. The bridge spanning the railroad shall have a solid floor and be paved with asphalt. The easterly approach, which is to be composed of an earth embankment, shall ascend on a 10 per cent grade westerly from Water street for a distance of about one hundred and ninety (190) feet to the easterly end of the bridge; from this point the grade shall ascend for about thirty (30) feet on a 0.5 per cent grade, the roadway then to be crowned for about forty-five (45) feet, from which point the grade shall descend on a 0.5 per cent grade for about thirty (30) feet. This easterly approach shall be paved with Belgian block laid on sand. The westerly approach is to be constructed at right angles with that portion spanning the tracks, and is to descend southerly on an 8 per cent grade for a distance of about one hundred and forty (140) feet. From this point the grade shall be level for twenty-five (25) feet, when it is again to descend in a southerly direction at the rate of 8 per cent. This westerly approach of the overgrade crossing to a point about opposite station 1645 + 50 shall be built of steel to a width of forty-five (45) feet and have a solid floor paved with brick. It shall be so designed that thirty (30) feet of this width shall form an approach to the overgrade crossing and fifteen (15) feet shall form an approach descending northerly at the rate of 8 per cent from the level portion as an approach to the Northern Westchester Lighting Company's plant. The overgrade crossing and the easterly approach shall be thirty (30) feet wide, and throughout the length of the improvement there shall be a twenty-six (26) foot roadway and a sidewalk four (4) feet wide.

5. That a continuous roadway extending from the south end of the Broadway viaduct approach to the Secor road shall be constructed. This roadway shall have a four (4) foot sidewalk and a twenty-six (26) foot roadway. The sidewalk shall be of concrete except that portion located on embankment, where it shall be composed of flagstones as indicated upon the plan. The roadway throughout shall be paved with Belgian block laid on sand, the grades to be as shown upon profile of map hereinafter referred to. This roadway shall be carried over Sing Sing creek on a solid floor bridge of the width of thirty (30) feet.

6. That sufficient land for the construction of a plaza at the northerly end of Secor road approach be acquired, as indicated upon the plan attached to the original order on file in this office, hereafter referred to, and that this plaza be paved with Belgian block laid on sand.

7. That three alleys or driveways which now cross the railroad at grade north of Quimby street, the most northerly one being located at Broadway, shall be closed and discontinued.

8. That the proportion of cost of elimination of said grade crossings in the village of Ossining to be borne by the State and village, under section 62 of the Railroad Law, shall include only such cost as is necessary to cross the existing tracks of the railroad company, with the necessary approaches and connecting streets leading thereto as hereinbefore described, and any sum in excess of such cost occasioned by additional main tracks or other improvements shall be paid entirely by the railroad company.

9. That the changes herein described shall be made substantially as shown upon a plan which is attached to the office original order in this matter and on file in this office. This plan is marked

"N. Y. C. & H. R. R. R.
"Leased and Operated Lines, Hudson Division.
"New Main Tracks, Station Layout and
"Elimination of Grade Crossings Main and Quimby St's
"OSSINING
"Scales Indicated. Office of Chief Engineer Electric Zone Imp.
"New York, September, 1907.
"Geo. A. Hardwood, Chief Engr. Elec. Zone Imp.
"W. J. Wilgus, Vice President."

This plan is also marked "Scheme M."

[Case No. 263]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the VILLAGE OF DEPEW, under section 61 of the Railroad Law, as to Penora street in said village crossing the Erie Railroad.

A majority of the present trustees of the village of Depew having petitioned this Commission under date of May 21, 1909, asking that any further action in said proceeding be postponed for a definite term, in order to give opportunity to the trustees of the village to investigate the whole problem and situation and determine on some formulated plan of action; and the respondent, the Erie Railroad Company, having assented thereto,

Ordered: That the prayer of such petition be and hereby is granted, and further action in said proceeding is hereby postponed until the 1st day of September, 1909.

[Case No. 545]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF WANTAGH, Long Island, *against* LONG ISLAND RAILROAD COMPANY, asking for the installation of gates and a gateman at the Wantagh Avenue grade crossing of said company's railroad.

After due deliberation it is

Ordered: That this complaint be and hereby is dismissed, it having been shown at the hearing in this matter held in the village of Wantagh May 7,

1909, and by personal inspection by one of the commissioners and one of the inspectors of this Commission that public safety is sufficiently provided for as compared with other crossings in the State, by the crossing-bell now installed at said crossing.

[Case No. 791]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the Matter of the Petition of The New York Central and Hudson River Railroad Company under section 62 of the Railroad Law for the elimination of grade crossings in the village of Hastings-on-Hudson.

The petition of The New York Central and Hudson Railroad Company herein having been filed with the former Board of Railroad Commissioners 21st June, 1905, alleging that public safety requires the closing and discontinuance of the Dock Street and Washington Avenue grade crossings of said company's railroad in the village of Hastings-on-Hudson, and the construction of new pieces of streets leading therefrom to an overhead crossing of said railroad proposed to be constructed north of the present grade crossing at Dock street; and the Board of Railroad Commissioners having held public hearings on said petition at said village 1st August, 1905, and in New York city 14th November, 1905; and the Public Service Commission, Second District, having held hearings thereon in New York city 25th March, 1909, and 25th May, 1909; and the general subject of clearances of overhead bridges within the electric zone, which includes Hastings-on-Hudson, having been considered at a hearing before the Public Service Commission, Second District, in New York city 18th January, 1909; and several personal inspections by the Commission having been made to determine the best method of grade crossing elimination for the village of Hastings-on-Hudson, and various conferences with residents of that village and with the officers of the petitioner having been held; now, after hearing *Albert H. Harris, C. C. Paulding,* and *George H. Walker* for the petitioner; *E. B. Barnett* for certain residents of the village; *F. X. Donoghue, Charles D. Millard, Charles H. Ketcham, E. E. Munson, Frank V. Millard, Arthur L. Burns, Hitchings & Palliser, James R. Warner, C. G. Galston,* and *H. W. Rudd* for property owners; and after due consideration of the evidence taken at the hearings, and from personal inspection of the locality, the Commission determines under section 62 of the Railroad Law: 1. That public safety requires the elimination of the grade crossings in the village of Hastings-on-Hudson. 2. That the method of elimination shall conform to the following requirements: *a,* the Dock Street and Washington Avenue grade crossings of said railroad in said village shall be closed and discontinued and the travel thereon diverted therefrom by the construction of new pieces of streets and an overhead bridge crossing of said railroad, and the improvement of a street on the westerly side of said railroad; *b,* the general design of bridges and approaches is to conform to the drawing and specifications submitted by petitioner marked "New Main Track, Station Layout, and Elimination of Grade Crossings, at Washington and Dock streets, Hastings," and stamped "Office Public Service Commission June 11, 1909," which drawing is hereby approved except where modified in the following order. 3. That the approximate cost of grade crossing elimination covered by this order is one hundred and eighteen thousand three hundred dollars

($118,300), which cost shall be paid as provided by law. In accordance with the foregoing determination, and after due deliberation, it is

Ordered: 1. That Dock street within the limits of the right of way of the New York Central and Hudson River railroad be closed and discontinued, and that a new street be laid out, beginning at a point in the northerly side of Dock street two hundred (200) feet easterly of the existing easterly rail of petitioner's railroad as measured along the northerly side of Dock street, and running thence to an overhead steel bridge to be constructed across the tracks and right of way of said railroad company at a point about two hundred and twenty (220) feet north of the present Dock street crossing, and thence south from the westerly end of said bridge and parallel to the right of way of said railroad company to the northerly side of Dock street as now located westerly of said right of way. Said roadway and bridge shall be thirty (30) feet wide, consisting of a roadway twenty-four (24) feet in width and a sidewalk along the southerly and easterly side thereof having a width of six (6) feet. Commencing at Dock street, the grade of said new street shall be as follows: namely, from the northerly curb line of Dock street an ascending grade of 0.503 per cent for about one hundred and seventy-six (176) feet; thence level for ten (10) feet to the easterly end of said bridge, at elevation 26.97; thence continuing level across said bridge a distance of eighty-five (85) feet; thence continuing level for a distance of about twenty-five (25) feet to a point opposite the southerly curb of the bridge; thence on a descending grade of 9.002 per cent for a distance of about two hundred and fifteen (215) feet to the northerly margin of Dock street as now located west of the existing right of way, elevation 7.12 plus. The said overhead bridge shall have a clearance above the top of rail of sixteen (16) feet. The easterly approach to said bridge is to be macadamized and the westerly approach is to be paved with stone block on sand. Said bridge is to have a solid floor with roadway paved with asphalt. The sidewalks of bridge and approaches are to be of concrete.

2. That Washington avenue within the limits of the right of way of said railroad company shall be closed and discontinued, except that there shall be constructed across the railroad tracks and within the present limits of Washington avenue a steel foot-bridge eight (8) feet wide with a minimum clearance of sixteen (16) feet above the top rail. This bridge shall be approached from the east by a viaduct with a level grade at elevation 32 for a distance of about ninety (90) feet, and thence on a descending grade of 4.1 per cent a distance of about one hundred and twenty-nine (129) feet; and a stairway is to be provided on the westerly side to the existing surface of the ground, except that said stairway is to face to the north instead of as shown on drawing.

3. That a public street be laid out easterly of the right of way of said railroad company extending from Washington avenue to Dock street, having a roadway thirty (30) feet wide and a sidewalk along the easterly side ten (10) feet wide. The roadway of this street shall be macadamized and a width of four (4) feet of said sidewalk shall be of concrete. The grades of said street shall be as follows: namely, beginning at the northerly side of Washington avenue at elevation 17, thence level to the north a distance of about one hundred and eighty (180) feet; thence on a descending grade of 2 per cent for a distance of about two hundred and twenty (220) feet to elevation 12.6; thence level on elevation 12.6 about one hundred and seventy-eight (178) feet to the southerly side of Dock street.

4. That the street on the westerly side of the railroad company's right of way extending from Dock street as now located south to Washington avenue shall be graded and macadamized to the full width of the existing street. The grades of said street shall be as follows: namely, beginning at the southerly side of Dock street at about elevation 7.12, with an ascending grade to the south of 0.7466 per cent for a distance of about two hundred and twenty-five (225) feet to elevation 8.80, and thence on a descending grade of 0.5 per cent for about three hundred and sixty (360) feet to the northerly side of Washington avenue at elevation 7.

5. That the proportion of cost of elimination of said grade crossings in the village of Hastings-on-Hudson to be borne by the State and village, under

section 62 of the Railroad Law, shall include only such cost as is necessary to cross the existing tracks of the railroad company with the necessary approaches and connecting streets leading thereto as hereinbefore described, and that any sum in excess of such cost occasioned by additional main tracks or other improvements shall be paid entirely by the railroad company.

6. That the estimated cost of said elimination, namely, one hundred and eighteen thousand three hundred dollars ($118,300), is hereby approved, and that the state's share of said cost, now estimated at twenty-nine thousand five hundred seventy-five dollars ($29,575), is hereby appropriated from the funds available for that purpose.

7. That the changes herein described shall be made substantially as shown upon a plan which is attached to the office original order in this matter and on file in this office, except as otherwise hereinbefore provided. This plan is marked "New Main Track, Station Layout, and Elimination of Grade Crossings, at Washington and Dock streets, Hastings," which is filed in the office of the Commission and stamped "Office Public Service Commission June 11, 1909."

[Case No. 806]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of ERIE RAILROAD COMPANY to close and discontinue the present grade crossing of a highway near its Guymard station in the town of Mount Hope, Orange county, N. Y., and to construct a new crossing over said highway upon an overhead bridge over said railroad; and of ERIE AND JERSEY RAILROAD COMPANY for a determination of the points and manner in which its railroad shall cross the said highway.

Appearances: *George N. Orcutt* for applicants; *C. E. Cuddeback* for certain citizens. Heretofore and on or about June 20, 1906, Erie and Jersey Railroad Company made its application in writing to the Board of Railroad Commissioners for a determination of the manner in which its filed and altered route should cross certain highways in the county of Orange and State of New York, in which application the highway, the closing and discontinuance of which your petitioner now asks, is referred to as "A-1, town of Mount Hope," and is therein more particularly described. Due and proper notice of a hearing on said application before the Board of Railroad Commissioners was given as required by law, and at such hearing before said Board of Railroad Commissioners held at Middletown, N. Y., September 27, 1906, it was agreed that the town authorities of the town of Mount Hope and the Erie and Jersey Railroad Company should endeavor to agree upon plans for the crossing of said highway by said Erie and Jersey railroad which should be submitted to said Board for its approval.

The joint petition of the Erie Railroad Company and the Erie and Jersey Railroad Company was filed with this Commission on the 26th day of March, 1909, asking for the elimination of the present grade crossing shown upon exhibit "A" accompanying said petition and made a part thereof; also asking for a determination of the points and manner of crossing the highway of which said grade crossing is now a part, by Erie and Jersey Railroad Company and by a connecting branch of Erie railroad designated as "Erie Con-

nection"; and a public hearing on said petition, after due notice, having been held by this Commission at Port Jervis, N. Y., on the 4th day of June, 1909, at which the persons above named appeared, and at which the parties were heard and their evidence taken, and the *locus in quo* having been inspected by a commissioner; now upon the aforesaid petition, and affidavits taken at said hearing, and the facts observed by such inspection of the premises, and after due deliberation, it is

Ordered: That the highway shown upon exhibit "A" attached to said petition, being the highway leading from Otisville to Cuddebackville, and being the highway described in the petition, shall be carried over the Erie railroad and the Erie and Jersey railroad at a point designated upon plaintiff's exhibit "A" as "B," being about eighteen hundred feet south of the present grade crossing, on a steel bridge or structure with a wooden floor 16 feet wide between the wheel-guards and with a clearance of 21½ feet above the top of the rail of the railroad. The roadbed of the approaches to the bridge shall be 20 feet wide in the immediate vicinity of the bridge, and the grade of the approaches thereto shall not be in excess of 8 feet in one hundred. The bridge shall be constructed at right-angles to the center of the Erie railroad. The plans and agreement made between the railroad companies, the petitioners, and the authorities of the town of Mount Hope as for change in said highway as shown upon petitioner's exhibit "A" and made a part thereof, and the abandonment of the present grade crossing shown thereon, which plan has been approved by the county engineer of Orange county and the state engineer, is hereby approved; and it is ordered that said grade crossing be abandoned, and that the grade of the new piece of highway connecting the present highway with the present above described overhead crossing shall not exceed 8 per cent. In the judgment of this Commission public safety requires the elimination of said grade crossing. The petitioners upon the hearing and in their petition have stipulated that they will pay the entire cost of constructing the said new portions of highway, and of constructing said steel overhead structure and the approaches thereto as shown upon the plan. This order is made upon the condition that such petitioners pay such cost, and upon the further condition that if at any time within three years from the making of this order the proper authorities of the town of Mount Hope desire that the new piece of highway shown upon plaintiff's exhibit "A" be removed 50 feet or less, further from the center line of the Erie Railroad Company, and if they cause a due and lawful alteration of said highway to such location and at their own cost and expense procure and furnish the land therefor, that the petitioners will at their own cost and expense properly construct and grade a road on such location.

[Case No. 719]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the crossing of the tracks of the Western New York and Pennsylvania Railway Company (Pennsylvania Railroad Company, lessee) by the track of the Buffalo Southern Railway Company, in Union road, in the village of Ebenezer, N. Y.

This Commission having called a hearing at No. 1216 Chamber of Commerce, in the city of Buffalo, on Friday, May 28, 1909, at 10 a. m., on the subject of whether or not it should order 1, that a special work cut crossing be

installed at a point in Ebenezer, Erie county, where three tracks of the Western New York and Pennsylvania railway (operated by The Pennsylvania Railroad Company) and a track of the Buffalo Southern railway cross at grade; 2, that a metal trough be placed on the trolley wire of the Buffalo Southern railway extending over said crossing; 3, that derailing switches be installed in the track of the Buffalo Southern railway on either side of said crossing, these derailing switches to be operated by the conductors of electric cars; and due notice of said hearing having been given to The Pennsylvania Railroad Company and to the Buffalo Southern Railway Company, they being all of the parties interested in the subject matter thereof; and such hearing having been held, pursuant to notice, and *Frank Rumsey, esq.*, appearing on behalf of the Western New York and Pennsylvania Railway Company and The Pennsylvania Railroad Company, and *William L. Marcy, esq.*, appearing on behalf of the Buffalo Southern Railway Company; and it appearing to the satisfaction of the Commission by the reports of its inspector, by personal observation of members of the Commission, and otherwise, that the existing crossing at said point is what is known as a jump crossing, and as such is unsafe for use and inconvenient as well as dangerous, and that public safety requires that such crossing be changed as hereinafter required, and neither party after full opportunity offered having submitted any evidence, it is

Ordered: 1. That before the 1st day of September, 1909, The Pennsylvania Railroad Company install at the crossing of each of the said tracks of the Western New York and Pennsylvania Railway Company (operated by said Pennsylvania Railroad Company, lessee) by the track of the Buffalo Southern Railway Company in Union road, in the village of Ebenezer, Erie county, a special work cut crossing, the crossing frogs therefor to conform in dimensions and weight with the rail of the said Western New York and Pennsylvania Railway Company, said crossings and special work to be at the grade and on the alignment of the existing crossing. Said work shall be done in accordance with plans to be prepared by said Pennsylvania Railroad Company, which plans shall be submitted to this Commission for approval. The expense of the installation of said cut crossings and the maintenance thereof, including any and all renewals after their installation, shall be borne entirely by the Buffalo Southern Railway Company, to be paid by said company upon demand when accompanied by an itemized and verified bill therefor.

Ordered: 2. That on or before September 1, 1909, the Buffalo Southern Railway Company install in its track on either side of said crossing, derailing switches, such switches to be operated by the conductors of the cars of said Buffalo Southern Railway Company, said work to be done in accordance with plans to be prepared by said Pennsylvania Railroad Company, which plans shall be first approved by this Commission. The expense of the installation of said derailing switches and the maintenance thereof after their installation, including any and all renewals, to be borne entirely by the Buffalo Southern Railway Company,

Ordered: 3. That in case of the failure of said Pennsylvania Railroad Company to install the said cut crossings or either of them within the time limited by this order, the Buffalo Southern Railway Company shall, at its own expense, install the same in accordance with plans to be prepared by said Buffalo Southern Railway Company, and which plans shall be approved by the division engineer of the Pennsylvania Railroad Company having jurisdiction of that part of the line of said railroad company upon which said crossing is located, and also by this Commission; and it appearing that a metal trough has already been placed on the trolley wire of said Buffalo Southern Railway Company extending over said crossing, it is further

Ordered: 4. That such metal trough be kept and maintained in good condition by and at the expense of the Buffalo Southern Railway Company.

Ordered: 5. That all plans for the work herein be prepared and submitted to this Commission for its approval with all reasonable dispatch. That this order take effect at once and continue in force so long as the said crossing

shall continue to exist unless earlier modified or abrogated by this Commission. That within ten days from the service of this order upon them respectively, the said Pennsylvania Railroad Company and the said Buffalo Southern Railway Company shall each notify this Commission in the manner required by section 23 of the Public Service Commissions Law whether the terms of this order are accepted and will be obeyed by it.

[Case No. 973]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY under section 68 of the Railroad Law.

Ordered: That the application of The New York, Auburn and Lansing Railroad Company for permission to cross the tracks of the Lehigh Valley railroad in Railroad avenue, Ithaca, be and is hereby closed, application having been withdrawn at hearing held at Albany, Wednesday, July 7th.

[Case No. 974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY under section 60 of the Railroad Law.

Ordered: That the application of the New York, Auburn and Lansing Railroad Company for permission to cross Cayuga street and Lake street in the city of Ithaca be and is hereby closed, application having been withdrawn at hearing held at Albany, Wednesday, July 7th.

[Case No. 792]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the PARK BOARD OF THE CITY OF UTICA under section 61 of the Railroad Law as to Pleasant street in said city crossing the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company).

The park board of the city of Utica having on March 16, 1909, filed with this Commission a petition under section 61 of the Railroad Law for an order determining whether Pleasant street in said city, which now crosses the West Shore railroad at grade but which it is proposed to widen as a parkway, shall as widened cross said railroad over or under the railroad or at grade; and an amended petition having been filed on June 22nd, and a public hearing having been held on said petition and amended petition in the city of Utica on July 15, 1909, *Seward A. Miller* appearing for the petitioner and *Lewis, Watkins & Titus* appearing for The New York Central and Hudson River Railroad Company and the West Shore Railroad Company; now upon the aforesaid petition and amended petition, and evidence at the hearing, and personal inspection of the crossing by two commissioners, and after due deliberation, it is

Ordered: That this Commission hereby determines, under section 61 of the Railroad Law, that the proposed parkway to be constructed in the city of Utica by the widening of Pleasant street in said city to the width of two hundred feet, from the easterly line of Elm street to the easterly line of Genesee street, shall be constructed across the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) at the grade of said railroad.

[Case No. 9]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the matter of the petition under chapter 335 of the laws of 1907 and section 62 of the Railroad Law, by the MAYOR AND COMMON COUNCIL OF THE CITY OF UTICA, as to changing Genesee Street and Park Avenue crossings of the New York Central and Hudson River railroad from grade to overhead crossings.

Whereas, The New York Central and Hudson River Railroad Company has presented to this Commission a general plan of the grade crossing elimination on Genesee street in the city of Utica, and certain details covering the viaduct

proposed to be constructed in North Genesee street, Genesee street, and Bagg's square, over the tracks of The New York Central and Hudson River Railroad Company in the city of Utica; and

Whereas, This general plan differs from the plan known as scheme 10, which the Commission in its opinion rendered in this proceeding on March 10, 1908, stated would be adopted substantially, and upon which its order of June 27, 1908, was based;

Ordered: 1. That the general plan known as scheme 10 on file in this office, and the order of this Commission dated June 27, 1908, be amended in the following particulars: (*a*) The addition of a new piece of highway from North Genesee street to Meadow street; (*b*) the addition of a foot-walk from North Genesee street to Division street; (*c*) the omission of the retaining wall on the westerly side of the north approach; (*d*) the shifting of the retaining wall on the westerly side of Bagg's square, easterly, a distance of 9 feet 9 inches; (*e*) a slight modification of the rates of grade on the superstructure and lengths of spans.

Ordered: 2. That the general and detail substructural plans and specifications on file in this office and marked: "Elimination of Grade Crossing — Genesee St.— Utica — Exhibit A"; "Elimination of Grade Crossing — Genesee St.— Utica — Exhibit B"; "Elimination of Grade Crossing — Genesee St.— Utica — Exhibit C"; be approved.

[Case No. 1013]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the DEXTER AND NORTHERN RAILROAD COMPANY, under section 60 of the Railroad Law, for a determination of the manner of crossing of its railroad with highways in the village of Dexter, Jefferson county.

Whereas, The Dexter and Northern Railroad Company has applied to this Commission under section 60 of the Railroad Law for a determination as to the manner in which its railroad shall cross Liberty street and the intersection of Williams street, Water street, and Canal street, in the village of Dexter, Jefferson county; and

Whereas, After due notice as prescribed by the statute a hearing upon such application was given by the Commission on August 10, 1909; and

Whereas, At such hearing, the applicant only being represented, proof was offered as to the impracticability of constructing other than grade crossings at the points hereinbefore mentioned; and

Whereas, The Commission, upon deliberation, is convinced that upon the facts and evidence presented at said hearing the applicant should be permitted to cross such streets at their present grades; it is

Ordered: That this Commission hereby determines that the Dexter and Northern railroad shall cross at their grades Liberty street and the intersection of Williams, Water, and Canal streets, subject to the following conditions: (*a*) That the speed of none of the trains in either direction passing over such crossings shall exceed five miles per hour; (*b*) that all trains passing over the crossing at the intersection of Williams, Water, and

Canal streets shall be flagged over said crossing by one of the train crew, who shall walk in advance of the train and give such signals as are necessary to secure safety to all traffic using the crossing, or the company may at its option station a regular flagman at said crossing.

The Dexter and Northern Railroad Company having also presented to the Commission a sketch describing the manner of protection proposed for its trains and those of the Black River Traction Company, such protection being essential on account of the proposed joint use of the existing single track from the foot of Williams street at the factory of the Dexter Sulphite Pulp and Paper Company to the junction point of the two railroads a short distance east of the intersection of Williams, Water, and Canal streets; and the Commission upon examination of such plan being convinced that such protection as is proposed will be effective, it is further

Ordered: That such protection, which is to consist of three signal boxes: one located at the foot of Williams street, one at or near the proposed Dexter and Northern railroad station, and one at or near the intersection of Kirby and Williams streets, each signal box being equipped with two electric lamps connected in such a manner that upon the entrance of a train of either company upon that portion of track to be jointly used, access to such portion of track by a train of the other company is prohibited by signal as indicated by burning lamps, both lamps in each box being dead when track is not occupied by a train of either company, be and is hereby approved.

[Case No. 132]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the ROCHESTER RAILWAY COMPANY, under section 68 of the Railroad Law for determination as to how its double-track electric railroad shall cross the Charlotte branch of The New York Central and Hudson River Railroad Company on Lyell avenue in the city of Rochester, and as to proportion of expense of the crossing.

This proceeding having been begun by the filing of a petition under section 68 of the Railroad Law, by the Rochester Railway Company (now New York State Railways) for a determination as to how its double-track electric railroad shall cross the Charlotte branch of the New York Central and Hudson River railroad on Lyell avenue in the city of Rochester; and hearings having been had thereon; and The New York Central and Hudson River Railroad Company having on August 5, 1909, filed with this Commission a blue-print plan for an interlocking proposed to be installed at said Lyell Avenue crossing in the city of Rochester; and the engineer of grade crossings of this Commission having recommended its approval; now upon the papers and proceedings herein, and after due deliberation, it is

Ordered: That the plan presented by The New York Central and Hudson River Railroad Company for the interlocking proposed to be installed at the crossing of its railroad with the Rochester railway at Lyell avenue in the city of Rochester, the plan having been examined and reported upon under date of August 18, 1909, by the engineer of grade crossings, be and is hereby approved.

[Case No. 1084]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of Requiring ERIE RAILROAD COMPANY and THE JAMESTOWN STREET RAILWAY COMPANY to make changes in the construction of the grade crossing of the two tracks of Erie Railroad Company by the single track of The Jamestown Street Railway Company on Main street, Jamestown.

On reading and filing the reports dated July 20 and July 22, 1909, of A. H. Sutermeister, engineer of grade crossings of this Commission, made after inspection and examination of the grade crossing of the two tracks of Erie Railroad Company by the single track of The Jamestown Street Railway Company on Main street in the city of Jamestown, wherein it appears that the present crossing is out of repair and that a new crossing should be substituted for it; now after due deliberation, and pursuant to the powers conferred upon this Commission, it is

Ordered: 1. That said Erie Railroad Company and The Jamestown Street Railway Company respectively show cause at No. 46 Fenton Building, Jamestown, N. Y., on Saturday, August 28, 1909, at 11 o'clock in the forenoon, or as soon thereafter as counsel may be heard, why an order of this Commission should not be made directing and requiring said companies to make such changes in the construction of the grade crossing of the two tracks of said Erie Railroad Company by the single track of said The Jamestown Street Railway Company upon Main street in the city of Jamestown as will promote the security and convenience of the public and of the employees of said companies, including therein the proper paving, planking, or otherwise making safe and convenient, the entire portion of said Main street crossed by the right of way of said Erie Railroad Company.

Ordered: 2. That service of certified copies of this order be made on said Erie Railroad Company and The Jamestown Street Railway Company by mail on or before the 24th day of August, 1909.

[Case No. 1234]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of HUNTINGTON RAILROAD COMPANY for permission under section 68 of the Railroad Law to cross a branch of the Long Island railroad known as the Central Extension at grade, at a point south of Farmingdale, Suffolk county.

Huntington Railroad Company having filed its application under section 68 of the Railroad Law for permission to cross at grade a branch of the Long

Island railroad known as the Central Extension, at a point south of Farmingdale, now upon said petition, and after due deliberation, it is

Ordered: That the crossing of the Huntington railroad over the tracks of the branch of the Long Island railroad known as the Central Extension, at a point south of Farmingdale, Suffolk county, be at grade, subject however to the following conditions: 1, that such grade crossing be only temporary during the pleasure of this Commission; 2, that the Huntington Railroad Company file with this Commission a written stipulation that it will observe and obey all orders of this Commission which it may hereafter make discontinuing such temporary grade crossing and requiring said company to make such crossing in such other manner as may be by said order or orders required; 3, that said Huntington Railroad Company shall make and enforce a rule which shall require all its cars to come to a full stop before crossing the tracks of the Long Island railroad, and that such cars shall not make the crossing under any circumstances until the conductor standing on the track of the Long Island railroad shall have signaled the motorman to proceed.

[Case No. 1245]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF NIAGARA FALLS, under section 62 of the Railroad Law, as to the Pine Street crossing of the Erie railroad and the right of way of the Buffalo, Thousand Islands and Portland Railroad Company in said city.

In the Matter of the Petition of the CITY OF NIAGARA FALLS in the above entitled proceeding, for the revocation of the determination of the Board of Railroad Commissioners of October 12, 1906, and for a determination of the amount of the costs which the Buffalo, Thousand Islands and Portland Railroad Company should pay under chapter 650 of the laws of 1906 for the elimination of such crossing.

Ordered: That the petition of the city of Niagara Falls that the determination of the Board of Railroad Commissioners made October 12, 1906, fixing the proportion of the expense of eliminating the grade crossing in Pine street in said city which shall be paid by the Erie Railroad Company and by the Buffalo, Thousand Islands and Portland Railroad Company, be vacated and set aside, and that this Commission determine the proportion of cost of such elimination to be paid by said Buffalo, Thousand Islands and Portland Railroad Company in accordance with the provisions of chapter 650 of the laws of 1906, be and the same is hereby denied; that the opinion of Commissioner Stevens be adopted as the opinion of the Commission.

[Case No. 1082]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JAMES STILES *against* THE LONG ISLAND RAILROAD COMPANY as to conditions at its Bellmore station and the grade crossing of its railroad and Bedford avenue near said station.

James Stiles of Bellmore, Nassau county, having on August 20, 1909, filed with this Commission a complaint against The Long Island Railroad Company as to conditions at its Bellmore station and the grade crossing of its railroad and Bedford avenue near said station, the complaint being that a guard-fence should be erected between the main tracks of the railroad at said station, and that an electric crossing alarm bell should be installed at said crossing; and the company by a letter dated September 3, 1909, to this Commission admitting that the complaint is justified and that such precautions against accident should be adopted; now after due deliberation it is

Ordered: 1. That The Long Island Railroad Company be and it is hereby directed to, as soon as practicable, erect and maintain a proper guard-fence between its main tracks at its Bellmore station for a sufficient distance; and said company is hereby directed to, as soon as practicable, install and maintain a proper crossing alarm bell at the Bedford Avenue grade crossing of its railroad near said Bellmore station to warn travelers on the highway of the approach of engines and trains;

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said company and shall continue in force until modified or abrogated by this Commission.

[Case No. 1070]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing the highway in the town of Poughkeepsie, at Marshall's (or Peckham's or Overrocker's) crossing, Dutchess county, N. Y.

Ordered: That the application of the Central New England Railway Company under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing the highway in the town of Poughkeepsie, at Marshall's (or Peckham's or Overrocker's) crossing, Dutchess county, N. Y., be and hereby is closed on the records of this Commission, said alteration having been objected to by the town authorities at the hearing held in this matter August 30, 1909, and the application having been formally withdrawn by letter of September 1, 1909, from Charles M. Sheafe, jr., attorney for the Central New England Railway Company.

[*See* Case No. 1070, page 246.]

[Case No. 1071]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing a highway in the town of Wappinger, at Didell's road, Dutchess county, N. Y.

Whereas, The Central New England Railway Company has made petition to this Commission under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing a highway in the town of Wappinger, at Didell's road, Dutchess county, N. Y.; and

Whereas, At a hearing in this matter held at Albany, August 30, 1909, the town of Wappinger appeared by *George Wood* and *Supervisor O'Farrell*, who stated for the town of Wappinger that there is no objection as to the manner and method of crossing proposed, provided the railway company will stipulate to bear the entire expense; and

Whereas, An examination has been made by a member of this Commission of the proposed method of crossing in this locality; and

Whereas, It is the judgment of this Commission after said hearing and examination that the proposed alteration in the manner of crossing presented by aforesaid petition is satisfactory and in the interest of safety; and

Whereas, The Central New England Railway Company by its attorney, Charles M. Sheafe, jr., in letter of September 1, 1909, has stipulated as follows: " . . . . I hereby stipulate that this company will bear the entire expense of original construction and completion, upon receiving approval of your Commission of the plans already offered in evidence ";

Ordered: That this Commission hereby determines, under section 62 of the Railroad Law, that the highway grade crossing at Didell's road over the Central New England railway, in the town of Wappinger, Dutchess county, N. Y., shall be eliminated by an undercrossing to be constructed as shown on plan of Central New England Railway Company, entitled " Proposed Elimination of Grade Crossing, Didell's, N. Y., Town of Wappinger," dated August, 1909, and filed as applicant's exhibit No. 1 at the hearing in this matter dated August 30, 1909, said drawing showing a concrete arch giving a clear width for the highway of 19 feet 4 inches at the base of the abutments, 20 feet width at the spring of the arch, and a clear height of 14 feet 6 inches from the level of the highway to the highest point of arch; that the highway shall be changed on each side of the new undercrossing as shown in red on aforesaid map.

Ordered: That the entire expense of such elimination shall be borne by the Central New England Railway Company.

[*See* Case No. 1070, page 246.]

[Case No. 1072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing the highway in the town of East Fishkill, at Fishkill Plains road, Dutchess county, N. Y.

Ordered: That the application of the Central New England Railway Company, under section 62 of the Railroad Law, for approval of proposed alteration in manner of crossing the highway in the town of East Fishkill, at Fishkill Plains road, Dutchess county, N. Y., be and hereby is closed on the records of this Commission, said alteration having been objected to by the town authorities at the hearing held in this matter August 30, 1909, and the application having been formally withdrawn by letter of September 1, 1909, from Charles M. Sheafe, jr., attorney for the Central New England Railway Company.

[Case No. 1074]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing the highway in the town of LaGrange, at Brigg's station, Dutchess county, N. Y.

Ordered: That the application of the Central New England Railway Company under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing the highway in the town of LaGrange, at Brigg's station, Dutchess county, N. Y., be and hereby is closed on the records of this Commission, said alteration having been objected to by the town authorities at the hearing held in this matter August 30, 1909, and the application having been formally withdrawn by letter of September 1, 1909, from Charles M. Sheafe, jr., attorney for the Central New England Railway Company.

[Case No. 1075]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing a highway in the towns of Wappinger and LaGrange, at Smith's or Daley's road, Dutchess county, N. Y.

Whereas, The Central New England Railway Company has made petition to this Commissison under section 62 of the Railroad Law for approval of proposed alteration in manner of crossing a highway in the towns of Wappinger and LaGrange, at Smith's or Daley's road, Dutchess county, N. Y.; and

Whereas, At a hearing in this matter held at Albany, August 30, 1909, the town of Wappinger appeared by *George Wood* and *Supervisor O'Farrell,* and the town of LaGrange by *Charles A. Hopkins* and *Supervisor Clark Barmore,* who stated for the aforesaid towns that there is no objection as to the manner and method of crossing proposed, provided the railway company will stipulate to bear the entire expense; and

Whereas, An examination has been made by a member of this Commission of the proposed method of crossing in this locality; and

Whereas, It is the judgment of this Commission after said hearing and examination that the proposed alteration in the manner of crossing presented by aforesaid petition is satisfactory and in the interest of safety; and

Whereas, The Central New England Railway Company by its attorney, Charles M. Sheafe, jr., in letter of September 1, 1909, has stipulated as follows: " . . . . I hereby stipulate that this company will bear the entire expense of original construction and completion, upon receiving approval of your Commission of the plans already offered in evidence";

Ordered: That this Commission hereby determines, under section 62 of the Railroad Law, that the highway grade crossing at Smith's or Daley's road over the Central New England railway in the towns of Wappinger and LaGrange, Dutchess county, N. Y., shall be eliminated by an undercrossing to be constructed as shown on plan of Central New England Railway Company, entitled "Proposed Elimination of Grade Crossing, Smith's Crossing, Town of Wappinger," dated August, 1909, and filed as applicant's exhibit No. 1 at the hearing in this matter dated August 30, 1909, said drawing showing a concrete arch giving a clear width for the highway of 19 feet 4 inches at the base of the abutments, 20 feet width at the spring of the arch, and a clear height of 14 feet 6 inches from the level of the highway to the highest point of arch; that the highway shall be changed on each side of the new undercrossing as shown in red on aforesaid map.

Ordered: That the entire expense of such elimination shall be borne by the Central New England Railway Company.

[Case No. 860]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of F. H. BORROUGHS ET AL. *against* BUFFALO AND LAKE ERIE TRACTION COMPANY in relation to trackage in Central avenue, Fredonia, N. Y.

After due deliberation it is

Ordered: That the complaint of F. H. Borroughs et al. against the Buffalo and Lake Erie Traction Company in relation to trackage in Central avenue, Fredonia, N. Y., be and hereby is closed on the records of this Commission.

[Case No. 156]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 of the Railroad Law for the elimination of grade crossings over the New York and Harlem railroad in the village of White Plains.

The petition of The New York Central and Hudson River Railroad Company, lessee of the New York and Harlem railroad, herein having been filed with the former Board of Railroad Commissioners 24th June, 1905, alleging that public safety requires that the crossings at grade of the New York and Harlem railroad at Tibbets avenue, Railroad avenue, and Hamilton avenue in the village of White Plains should be eliminated; that Tibbets avenue should be closed and an undercrossing constructed beneath the tracks of said railroad at a point about eight hundred feet north of the present grade crossing at Tibbets avenue, connecting with Tibbets avenue through Westmoreland avenue, with an approach from Westmoreland avenue to the railroad tracks on the east, and from Greenburg avenue to the railroad tracks on the west; that the location of the existing tracks of said railroad should be changed westerly to a point about three hundred and fifty feet westerly of the present tracks at Railroad avenue crossing said Railroad avenue above the grade thereof, and passing westerly of the west end of Hamilton avenue without crossing said avenue; that Bronx street which will be intersected by said tracks when re-located should be constructed westerly of and parallel to said tracks from a point on Bronx street about one hundred and seventy feet north of its intersection with Mott street to Railroad avenue; and that such streets should be closed, opened, altered, or extended as may be made neces-

sary by the elimination of said grade crossings; and praying that an order be made for the elimination of said grade crossings and for the changes in streets made necessary thereby; and the Board of Railroad Commissioners having held public hearings on said petition at said village 2nd August, 1905, and in New York city 14th November, 1905; and said petition not having been determined by said Board but coming to this Commission by operation of statute; and the Public Service Commission, Second District, having held hearings thereon at the village of White Plains 2nd October, 1907, and 18th March, 1909, and in the city of New York 25th May, 1909; and the general subject of clearances of overhead bridges having been duly considered; and the Commission having held a public hearing at Albany 10th May, 1909, on the question of the liability of the State and municipalities to pay a portion of the cost of eliminating the grade crossings of the railroads operated by The New York Central and Hudson River Railroad Company in what is called the electric zone, which includes the village of White Plains; and the Commission having personally inspected the location of the existing crossings and the points of proposed crossing:

Now, after hearing *C. C. Paulding* and *George H. Walker* for the petitioner; *Henry T. Dykman, H. R. Barrett,* and *H. C. Henderson* for the Village of White Plains; *Frederick S. Barnum,* president, and *James H. Moran,* trustee, of the Village of White Plains; *Waldo N. Coon* for the Second Ward Civic Club; *R. F. Smith* for the Fifth Ward Civic Club; *H. C. Henderson, F. W. Clark, Louis C. Plant, Hughes & Holden, W. B. Tibbets, Frank J. Lamb, Oscar Mayer, Robert Farley* and *Woodson R. Oglesby* for property owners; *P. A. Mahoney, E. F. McKinley, William Reynolds Brown, Edward T. Barrett, Crescens Hubbard, William Romer, C. P. Young, Frank J. Farrell, Digney & Horton,* and *John T. Rehill,* individually; and after due consideration of the aforesaid petition and the papers and plans filed, and evidence taken at the hearing, and from personal inspection of the locality, the Commission determines under section 62 of the Railroad Law that public safety requires that the changes in the location of said railroad, the construction of new pieces of streets, and the carrying of streets across the railroad in undercrossings, and the various changes hereinafter ordered shall be made. It is therefore

Ordered: 1. That public safety requires the elimination of the Tibbets avenue, Railroad avenue, and Hamilton avenue grade crossings, and that said grade crossings shall be eliminated in accordance with the following specifications, and as shown by two drawings submitted by the New York Central and Hudson River Railroad Company, Harlem division, marked:

> "New Main Tracks and Elimination of Grade Crossing, Tibbets Avenue, White Plains, dated New York, May 30, 1905, marked applicant's Exhibit A, March 18, 1909."

And

> "New Main Tracks, Station Layout, and Elimination of Grade Crossings, Railroad Avenue and Hamilton Avenue, White Plains, dated New York, December 29, 1908, marked Exhibit C, and dated at the office of the Public Service Commission, September 16, 1909."

a. The main tracks of the New York and Harlem railroad in said village of White Plains shall, in order to provide for the most practicable and economical method of highway grade crossing elimination, be changed in location as follows: Beginning at a point on the original center line at station No. 1168+15.13, and running thence north on a tangent to station No. 1168+36.75; thence curving to the left on a 3° 30′ curve with a central angle 55° 55′ 19″ and a length of fifteen hundred and ninety-seven and 77/100 (1597.77) feet to station No. 1184+34.52 of the new center line; thence on a tangent to station No. 1213+18.35 on the new center line; thence curving to the right on a 3° curve with a central angle of 16° 59′ 14″ and a length of five hundred and fifty-six and 24/100 (556.24) feet to a point in the original center line at station No. 1218+84.59, the end of the new alignment which is involved in this proceeding being however at station No. 1201+00.79 on the new center line, which new center line is distant easterly from the old center line at station No. 1203+54.57, a distance of twelve and 68/100 (12.68) feet;

and the expense of elimination to be charged to the State and village is to be limited thereto.

b. Tibbets avenue is to be carried under the grade of the railroad in a subway twenty-four (24) feet wide, constructed at right angles with the track alignment at a point about 810′ north of the location of the present grade crossing. The under clearance shall be twelve (12) feet. The undergrade crossing is to be approached on the west side of the track by a new highway twenty-four (24) feet wide in line with the subway and extending to Greenburg avenue; said approach to cross the Bronx river on a plank floor highway bridge twenty-four (24) feet wide between wheel-guards. The easterly approach shall extend from the undergrade crossing to Westmoreland avenue; said approach shall be twenty-four (24) feet wide, and intersect Westmoreland avenue at about right angles. Westmoreland avenue is to be regraded to a width of fifty (50) feet from Lafayette avenue to Intervale street on grades as shown on plan Exhibit A. The subway and approaches including the regraded portion of Westmoreland avenue shall be macadamized to a depth of not less than six (6) inches. Westmoreland avenue from Lafayette avenue to Intervale street shall have two sidewalks, each ten (10) feet wide, each paved for a width of five (5) feet with stone screenings.

c. Railroad avenue is to be carried under the grade of the railroad on its new location in a subway seventy-five (75) feet wide having a minimum clearance of thirteen (13) feet. The highway under the grade of the railroad is to have a roadway fifty (50) feet wide, and two sidewalks, each twelve and one-half (12½) feet wide. The superstructure of the bridge supporting the railroad tracks is to be supported by suitable abutments and by columns on the curb lines. The grades of Railroad avenue approaching the undercrossing are to be revised as shown on drawing. The entire portion of the roadway affected by the change of grades shall be paved with new vitrified brick under specifications satisfactory to the authorities of the village of White Plains; both sidewalks in the subway shall be constructed of concrete for their full width, and for a length equal to that of the north abutment, including wings. From these limits to the beginning of the approaches the sidewalks shall be paved with concrete for their full width. The through plate girder superstructure supporting the tracks over Railroad avenue is to have a solid floor and is to be as nearly as possible of water-tight construction.

d. An undergrade crossing is to be located with center line about six hundred and five (605) feet north of the center line of Railroad avenue measured along the revised track alignment, and said undergrade crossing is to be at right angles with the direction of the tracks on the new location. This undergrade crossing is to provide for the traffic now carried partially by Hamilton avenue, and by Bronx and Mott streets. Said undergrade crossing is to have a distance between abutments of forty (40) feet, to be divided between a twenty-four (24) feet roadway and two eight (8) feet concrete sidewalks. The headroom is to be about seventeen (17) feet. The superstructure shall consist of one span and shall have a solid floor as nearly as possible water-tight. New approach streets to this undergrade crossing on both east and west sides of the railroad tracks shall be built as shown on drawings. These approach streets are to be each thirty-three (33) feet wide, parallel to the railroad tracks and with center lines about eighty-three (83) feet from the center between tracks on the new location. The easterly approach street is to extend from Bronx street to Mott street, and westerly approach street from the new line of the undergrade crossing continued northerly to Bronx street. These parallel approach streets shall have roadways twenty (20) feet wide with two concrete sidewalks, each six and one-half (6½) feet wide, and the roadways both in the subway and on approaches are to be paved with macadam.

e. Two ways are to be built as shown on drawings to form approaches from Railroad avenue to the new station location. These approach ways are to be built one on each side of the new location of the railroad tracks and roughly, parallel thereto. The easterly way is to be fifty-five (55) feet wide, ten (10) feet of which shall consist of a concrete sidewalk, and forty-five (45) feet of a macadamized roadway. The westerly way shall be thirty-eight (38) feet

wide, eight (8) feet of which shall be a concrete sidewalk and thirty (30) feet macadamized roadway.

f. All that part of Orawaupum street of which the railroad company now owns the fee, which is approximately from a point one hundred seventy-five (175) feet north of Martine avenue to Railroad avenue, is to be dedicated to the village of White Plains by the railroad company for street purposes, and said Orawaupum street is to have a new concrete sidewalk on the westerly side between the curb as it now exists and the street line for the length of that part of the street now owned by the railroad company.

g. A new way fifty (50) feet wide is to be built from Orawaupum street westerly to the new station location as shown upon plan Exhibit C, and said way is to have a thirty-four (34) feet macadamized roadway and two eight (8) feet concrete sidewalks to the present right of way line of the railroad, and from this point to the new station location a thirty-eight (38) feet roadway and one twelve (12) feet concrete sidewalk.

h. From the intersection of Martine avenue and Bank street a new way is to be built westerly as shown upon plan Exhibit C, to the new station location, and said way is to be paved with macadam.

i. A new station is to be built in about the location shown on drawings, and a plaza is to be provided in front of said station the area of which shall be about 50 per cent greater than the area of the plaza in front of the present station. The boundaries of said plaza are to be as shown upon the plan Exhibit C, hereinbefore referred to, the easterly boundary being designated by a red line.

j. Satisfactory drainage is to be provided at all crossings and other points.

k. Suitable earth is to be deposited on the exterior of all slopes forming the new railroad embankment, and these slopes are to be seeded before approval of the work by the Commission.

l. The changes herein described shall be substantially as shown by two drawings submitted by The New York Central and Hudson River Railroad Company, Harlem division, marked "New Main Tracks and elimination of Grade Crossing, Tibbets Avenue, White Plains, dated New York, May 30, 1905, marked applicant's Exhibit A, March 18, 1909;" and "New Main Tracks, Station Layout, and Elimination of Grade Crossings, Railroad Avenue and Hamilton Avenue, White Plains, dated New York, December 29, 1908, marked Exhibit C, and dated at the office of the Public Service Commission, Sept. 16, 1909."

Ordered: 2. That the cost of elimination of said grade crossings to be charged to the State and to the village of White Plains under the provisions of section 62 of the Railroad Law shall include only the cost of changing the existing tracks to the new location, and the cost of such part of the undercrossings and approaches thereto as are necessary to provide for such existing number of tracks; and the following expenses shall be paid entirely by the railroad company:

a. The entire expense of right of way for the new location of tracks;

b. All constructional and other expenses occasioned by more than the number of tracks now existing on the present location;

c. The expense involved in the opening and paving of new ways, new station, new station plaza, and other work specified in paragraphs *e*, *f*, *g*, *h*, and *i* of the first subdivision of this order;

d. The expense of such other improvements as are not required for elimination of grade crossings.

Ordered: 3. That the estimated cost of said elimination, namely two hundred thousand dollars ($200,000), is hereby approved, and that the State's share of said cost now estimated at fifty thousand dollars ($50,000) is hereby appropriated from the funds available for that purpose.

[Case No. 1270]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JOSEPH M. DONNELLY, CLERK, TOWN OF GREECE, Monroe county, *against* BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY as to said company's cars crossing South Greece highway at grade.

Whereas, In correspondence complaint No. 668, Joseph M. Donnelly, Clerk, town of Greece, Monroe county, against Buffalo, Lockport and Rochester Railway Company, said railway company upon the recommendation of the electric railroad inspector of this Commission agreed to stop all cars at the South Greece highway crossing of said railway, and have located stop signs accordingly; and

Whereas, The receivers of said Buffalo, Lockport and Rochester Railway Company now request that cars be permitted to pass such crossing without stopping; and it appears from a report of September 10, 1909, of Electric Railroad Inspector Barnes that earth embankments have been removed on each side of this crossing, and that the view of the crossing from approaching cars and from vehicles on the highway has thereby been materially increased, and that the stop recommended in previous report can now be safely discontinued, it is

Ordered: That the receivers of said Buffalo, Lockport and Rochester Railway Company be and hereby are notified that the stop now being made at the grade crossing of said company's line at the South Greece highway can be discontinued, provided that all cars passing such crossing shall slow down so that they can be stopped within a car length.

[Case No. 419]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of C. H. ADDINGTON *against* PENNSYLVANIA RAILROAD COMPANY as to blocking by trains of highway crossings in the village of East Aurora, Erie county.

After due deliberation it is

Ordered: That the complaint of C. H. Addington against The Pennsylvania Railroad Company as to blocking by trains of highway crossings in the village of East Aurora, Erie county, be and hereby is closed on the records of the Commission, complainant advising that he has no objection to the matter being closed.

[Case No. 675]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of JOHN F. ROGERS and JOHN H. HANK, COMMISSIONERS OF HIGHWAYS OF THE TOWN OF COLCHESTER, Delaware county, under section 61 of the Railroad Law.

In the matter of the petition of John F. Rogers and John H. Hank, commissioners of highways of the town of Colchester, under section 61 of the Railroad Law for an order determining whether a new highway laid out by them as such commissioners of highways shall cross the tracks of the New York, Ontario and Western Railway Company at grade, or over or under grade, it appears that said new highway was laid out by said commissioners without any action of any kind by the town board of said town; the counsel to the Commission, after elaborate examination, advises that the proceedings had in laying out such new highway were not sufficient in law to charge the town with its share of the expense of effecting the proposed crossing, and recommends that for that reason the petition be dismissed.

Ordered: That said petition be and hereby is dismissed.

[Case No. 586]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF CENTRAL BRIDGE, Schoharie county, *against* THE DELAWARE AND HUDSON COMPANY as to protection at highway crossings in said village.

The respondent herein having since the hearing installed a flagman at Cameron crossing and at Becker crossing, and John H. Mead, representing the complainants, having advised the Commission under date of October 18, 1909, that flagmen were now stationed at each of said crossings and "pretty general satisfaction is given as to said crossings," it is

Ordered: That the complaint be and hereby is closed on the records of the Commission, it not being thought necessary to protect all three crossings complained of.

[Case No. 909]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of SAMSON L. MOFFAT and WARREN H. MOFFAT of Washingtonville, Orange county, *against* ERIE AND JERSEY RAILROAD COMPANY as to farm crossings and cattle-passes.

After due deliberation it is

Ordered: That the complaint of Samson L. Moffat and Warren H. Moffat of Washingtonville, Orange county, against the Erie and Jersey Railroad Company, be and hereby is closed on the records of this Commission, complainant Warren H. Moffat not having replied to communication from the Commission under date of September 22, 1909.

[Case No. 978]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of LEVI H. WING AS PRESIDENT, E. L. POTTER, J. S. VAUGHN, ALFRED CASE, JR., JOSEPH BROWN, FRED HILFINGER, and DANIEL SULLIVAN AS TRUSTEES OF THE VILLAGE OF FORT EDWARD AND CONSTITUTING THE PRESIDENT AND BOARD OF TRUSTEES OF SAID VILLAGE, *against* THE DELAWARE AND HUDSON COMPANY.

After due deliberation it is

Ordered: That the matter of the complaint of Levi H. Wing as president, E. L. Potter, J. S. Vaughn, Alfred Case, jr., Joseph Brown, Fred Hilfinger, and Daniel Sullivan as trustees of the village of Fort Edward and constituting the president and board of trustees of said village, against The Delaware and Hudson Company, be and hereby is closed on the records of the Commission, attorney for the complainants advising that the railroad company has commenced the work of repairing what is known as the Dry Bridge in said village and is rapidly pushing same to completion, and that the matter may be safely closed on the record as being satisfactorily disposed of.

[Cast No. 1238]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of ERIE RAILROAD COMPANY in connection with the improvement of its Buffalo division between Hornell and Hunts.

The Erie Railroad Company on the 26th day of August, 1909, filed with this Commission its petition for the permission and approval of the Commission for the improvement of its line on a portion of its Buffalo division, and for determination by the Commission of the points and manner of crossing certain public highways by such improved line, and providing for the elimination of certain grade crossings on said improved line. A hearing, after public notice, was held at the office of the Commission in the Chamber of Commerce Building, Buffalo, on September 3, 1909, *H. A. Taylor* and *F. A. Robbins* appeared for the petitioner; *D. D. Dickson*, attorney, and *Stephen V. Casey*, town superintendent, for the town of Burns, Allegany county; *F. L. Willets*, supervisor, and *J. M. Hover* for the town of Portage, Livingston county; and *W. D. Burt* for the town of Nunda, Livingston county.

It appears from the petition, and the maps and profiles attached thereto, that the improvement consists in changing the grade or alignment, or both, of one or both tracks of the present Buffalo division of the petitioner for a total distance of about eight miles. The changes in alignment are slight, about 40 feet laterally at the maximum. The changes in grade affect conditions at a number of highway crossings which are now at grade, and the plans of the railroad company contemplate slight changes in the location of some of these highways to facilitate the construction of overhead or undergrade crossings. The towns in which are located all the highway crossings which are affected by the proposed construction: namely, Burns, Portage, and Nunda, appeared at the hearing by their attorneys or officers in charge of highways. The representatives of the towns of Portage and Nunda consented to the proposed treatment of the single crossing in each of their respective towns. The representatives of the town of Burns expressed themselves as satisfied with the proposed treatment of the first highway in that town at station 460; with respect to the other three crossings in the town of Burns, the representatives of the town made no objection to the changes in the lines of the highway, but asked that the Commission make the following requirements of the railroad company: As to approach to undergrade crossing at station 504 plus 10, that the railroad company be required to maintain the approach against sinking on account of the existing uncertainty as to the depth of the soft ground at that point; since the hearing, soundings taken at the suggestion of the Commission by the petitioner's engineers, in the presence of the town's representative, have developed the fact that the greatest depth of the soft ground is 4 feet. As to crossing at station 534 plus 11, that the railroad company be required to furnish a 6 per cent approach on the south side of its railroad and a bridge 20 feet in width. As to crossing at station 574 plus 25, that the railroad company be required to furnish a 6 per cent approach on both sides and a bridge 20 feet in width. It is stipulated by the railroad company that it will do the work in connection with the treatment of all of the crossings above referred to at its own sole expense. Upon the aforesaid petition and the exhibits attached thereto, and the evidence taken in this proceeding, it is the opinion of the Commission that the construction of the improvement of a portion of the Buffalo division of the Erie Railroad Company as described in said petition, and as shown by the maps and profiles

marked exhibits "A," "A-1," "B," and "B-1," respectively, attached to said petition, is necessary or convenient for the public service, and it is

Ordered: 1. That under section 53 of the Public Service Commissions Law, this Commission hereby grants its permission for and approval of the construction of the improved line of the petitioner's railroad, and the changes in grade and alignment or route of said railroad, in the towns of Dansville, Steuben county, Burns, Allegany county, and Nunda and Portage, Livingston county, shown on the maps and profiles marked exhibits "A," "A-1," "B," and "B-1," respectively, attached to the petition herein filed August 26, 1909.

Ordered: 2. That this Commission hereby determines the points and manner of crossing the highways hereinafter specified by such improved line of the petitioner's railroad as follows:

Allegany County:

Town of Burns: Highway about 2200 feet measured northerly along the railroad from Burns station, at station 460 of exhibits "A" and "A-1"; the highway shall be changed in location and carried over the railroad at right-angles at a point about 60 feet measured southerly along the railroad from the present crossing at grade on a steel structure 16 feet wide between wheel-guards and with a clearance of 21½ feet above the top of the rail of the improved line of the railroad. The bridge shall have a wooden floor. The maximum grade of the approaches to the bridge shall be 8 per cent. And a piece of existing highway shall be abandoned and a piece of new highway constructed in accordance with exhibit "C-1" attached to the petition. Guard-rails shall be constructed on the approaches.

Town of Burns: Highway about 6600 feet northwesterly measured along the railroad from Burns station, at station 504 plus 10 of exhibits "A" and "A-1"; the highway shall be changed in location and shall be carried under the railroad at a point northwesterly of the existing crossing, as shown on exhibit "C-2" attached to the petition, through a 20-foot arch with a vertical clearance of 15 feet, as shown on said exhibit "C-2." A piece of existing highway shall be abandoned and a piece of new highway shall be constructed in accordance with said exhibit "C-2." As the proposed location of the new highway is swampy in character, and it is feared by the representatives of the town that the new road may sink because of the location in which it is built, the town may apply to the Commission at any time within four years from the construction of the new highway, and if on such application it shall appear to the satisfaction of the Commission that said road has sunk by reason of the character of the ground on which it is located, or by reason of the method of construction employed by the railroad, the railroad company shall restore the highway to the grade and elevation shown on said exhibit "C-2." Nothing herein contained shall be construed to relieve the railroad company of any obligation imposed by statute to construct such proposed new piece of highway in such manner as not to have unnecessarily impaired the usefulness of the highway, nor to impose upon the railroad company any obligation to repair the effects upon such highway of ordinary wear and tear or erosion not due to sinking of the bed of the highway or methods of construction employed by the railroad company. If it shall appear during such period that the grade of said new piece of highway is not sufficiently high to raise it above the accumulation of water in the adjacent swamp, the railroad company shall raise the elevation of said piece of new highway above the level of such water. Guard-rails shall be erected along the south side of said new piece of highway. The railroad company shall construct such culverts across said piece of new highway as may be necessary for proper drainage of the highway.

Town of Burns: Highway about 9600 feet northwesterly measured along the railroad from Burns station, at station 534 plus 11.4 of exhibits "A" and "A-1"; the highway on its present line shall be carried over the railroad at a point shown on exhibit "C-3" attached to the petition, on a steel structure 20 feet in width between wheel-guards, with a clearance of 21½ feet above the top of rail of the existing line of the railroad. The bridge shall have a wooden floor. The maximum grade on the approaches to the bridge shall be 8 per cent

on the north side and 7 per cent on the south side. Guard-rails shall be constructed on the approaches.

Town of Burns: Highway about 13,800 feet northwesterly measured along the railroad from Burns station at about station 576 of exhibits "A" and "A-1"; the highway shall be changed in location and shall be carried over the railroad at a point shown on exhibit "C-4" attached to the petition, as station 574 plus 25, on the alignment shown on said exhibit "C-4." The highway shall be carried over the railroad on a steel structure 20 feet in width between wheel-guards, with a clearance of 21½ feet above the top of rail of the existing line of the railroad. The bridge shall have a wooden floor. The maximum grade on the approaches to the bridge shall be 6 per cent. Guard-rails shall be constructed on the approaches. A piece of existing highway shall be abandoned and a piece of new highway shall be constructed in accordance with said exhibit "C-4."

Livingston County:

Town of Nunda: Crossing about 11,700 feet east of Dalton station, at about station 1142 plus 15, of exhibits "B" and "B-1"; the highway shall be changed in location and shall be carried over the railroad at a point shown on the plan marked exhibit "C-5" attached to the petition as station 1141 plus 50, and in accordance with said exhibit "C-5." The highway shall be carried over the railroad on a steel structure 16 feet wide between wheel-guards, with a clearance of 21½ feet above the top of the rail of the railroad. The bridge shall have a wooden floor. The maximum grade on the approaches to the bridge shall be 8 per cent, as shown on said exhibit "C-5." Guard-rails shall be constructed on the approaches. A piece of existing highway shall be abandoned and a new piece of highway constructed in accordance with said exhibit "C-5."

Town of Portage: Crossing about 3900 feet westerly measured along the railroad from Dalton station, at station 1299 plus 74.7 of exhibits "B" and "B-1"; this highway shall be changed in location and shall be carried over the railroad at a point shown on plan marked exhibit "C-6" as station 1302. The highway shall be carried over the railroad on a steel structure 14 feet wide between guards, with a clearance of 21½ feet above the top of the rail of the railroad. The bridge shall have a wooden floor. The maximum grade on the approaches on the south side shall be 7 per cent, and on the north side 4 per cent. Guard-rails shall be constructed on the approaches. A piece of existing highway shall be abandoned and a piece of new highway shall be constructed in accordance with said exhibit "C-6."

Ordered: 3. That this Commission hereby determines that the alterations in existing highways as shown on said exhibits "C-1," "C-2," "C-4," "C-5," and "C-6" shall be made, provided and upon the conditions that they shall be made at the sole expense of the Erie Railroad Company, the petitioner herein.

Ordered: 4. That all new highways included in this order, and such portions of old highways whose existing grade is to be changed, shall be constructed with a traveled way at least 20 feet wide, sufficiently crowned and paved for a depth of not less than six inches with suitable gravel properly compacted, and that the top width of the embankments at the overgrade crossings at stations 574 plus 25 and 534 plus 11.4 be made not less than 24 feet.

Ordered: 5. That particular descriptions by metes and bounds and courses of the highways to be abandoned or new highways to be constructed as hereinbefore set forth shall be made by the petitioner and filed with the papers and records in this case after the same shall have received the approval of the representatives of the various towns interested as to their correctness.

[Case No. 1310]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of EPHRAIM M. KLINE AS SUPERVISOR, and PHILIP PURCELL AS TOWN SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF KINDERHOOK, Columbia county, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY AS LESSEE OF AND OPERATING THE BOSTON AND ALBANY RAILROAD, asking that a crossing alarm bell be installed and maintained at a highway grade crossing of said company's railroad known as the Willow crossing, in the town of Kinderhook, Columbia county.

After due deliberation it is

Ordered: That the complaint of Ephraim M. Kline, supervisor, and Philip Purcell, town superintendent of highways of the town of Kinderhook, as to alleged inadequate protection at Willow crossing of the Boston and Albany railroad in said town, be and hereby is closed on the records of this Commission, Mr. Kline advising that the offer of the company to install an electric automatic crossing-bell satisfactorily disposes of the complaint.

[Case No. 83]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE TERMINAL RAILWAY OF BUFFALO for a modification of the determination of the Board of Railroad Commissioners dated April 30, 1907, as to the railway of said company crossing highways in the town of Cheektowaga, Erie county.

The former Board of Railroad Commissioners on the 30th day of April, 1907, made an order and determination eliminating grade crossings of French road, Union road, Lawson road, and Rowley road, public highways in the town of Cheektowaga, over the tracks of The Terminal Railway of Buffalo. The town appealed from said order, which was upon said appeal affirmed by the Appellate Division of the Supreme Court, Fourth Department, and by the Court of Appeals. The said Terminal Railway of Buffalo also filed a petition with said former Board of Railroad Commissioners, asking for an amendment or modification of said order in certain particulars. This petition coming on for hearing before this Commission, the Commission decided that it had authority and jurisdiction to entertain the same. This decision was affirmed by the Special Term of the Supreme Court and by the Appellate Division of the Supreme Court, Third Department. After such affirmance the

Commission heard the proofs of the parties, and on October 1, 1909, the said Terminal Railway filed an amended petition in said behalf, superseding the petition filed with the former Board of Railroad Commissioners, and the Commission thereupon heard the proofs of the parties.

After due consideration the Commission is of opinion that the receiving and classification yard proposed to be constructed by the petitioner is of such great length and width as to interpose a very substantial barrier between the country lying easterly thereof and the city of Buffalo westerly thereof. That the highways named are of increasing importance and afford the only means of passage over said yard, and for that reason the viaducts or bridges should be of such strength and capacity as will unquestionably provide for all the use of said highways likely to be required at any time in the future. That the unusual nature of the crossings requires unusual provision for public use and convenience. For this reason the order should not be modified as to the width or strength of the viaducts or bridges except in the case of the Rowley road, as to which the highway commissioner of the town conceded that the requirements of the order were greater than should be required. The Commission believes said yard to be a great public necessity, that the exigencies of its construction demand certain modifications as to the location of the crossings of French and Union road and of Lawson road. That such modifications are not of a character to impose any additional burden upon the traveling public, and that the locations thereof hereinafter established are equally favorable to the traveling public, all things considered, with those fixed by the order. Certain other modifications need no comment.

The railroad company also asks for an amendment of the order striking out the provision charging it with the maintenance of the roadway and sidewalk of the bridges and approaches. This is strenuously opposed by the town. The railroad company bases its application upon the ground that said provision is void. If it be void, as contended, its presence in the order can not be harmful to the company. If it be not void, there are so many conflicting reasons as to its justice and equity, and there is such urgent need for a cessation of litigation regarding these crossings which has delayed the construction of said yard for two years and a-half, that the Commission believes it better to undertake no reconsideration of the question. In view of the foregoing, it is

Ordered: That said determination and order of the former Board of Railroad Commissioners dated the 30th day of April, 1907, be and hereby is modified and amended as follows, this Commission determining that said modifications and amendments are proper and necessary:

1. Rowley road: *a.* Strike out the words "of a width of 30 feet from roadway" and insert in place thereof the words "of a clear width of 24 feet for the roadway". *b.* Strike out the words "and be of a length to span the entire right of way of said railway" and insert in place thereof the words "and be of a length of approximately 200 feet". *c.* In the requirement for the floor of said bridge strike out the word "asphalt" and insert in place thereof the words "the best quality of paving brick". *d.* In the requirements for the width of the approaches to said bridge strike out the words "thirty-five" and insert in place thereof the words "twenty-nine"; and after the word "macadamized" insert the words "a width of 18 feet and a depth of not less than 6 inches with a sidewalk constructed of macadam topped with screenings of a width of 5 feet, the said approaches to be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge". *e.* In the requirement for the strength of said bridge strike out the words "to carry a street surface railroad car weighing fifty tons loaded" and insert in place thereof the words "to sustain its own dead weight together with a uniformly distributed load of 100 pounds to the square foot with a concentrated load equivalent to an eighteen-ton steam road roller arranged as follows: six tons on forward axle, and twelve tons on rear axle, axles ten feet apart, the roller assumed to occupy a width of twelve feet".

2. Lawson road: *a.* In the description of the location of the bridge strike out the words "at the present location of the crossing" and insert in place

thereof the words "substantially as shown upon the map annexed to the amended petition of said Terminal Railway of Buffalo filed with this Commission on the 1st day of October, 1909, upon a new highway to be laid out and constructed substantially as shown upon said map, the part crossing the center line of said Terminal Railway to be at right angles thereto and the part parallel to said center line being at a distance of 1600 feet therefrom the two parts to be united by a curve of two hundred feet radius. The width of said new highway to be sixty-six feet. A good earth roadbed paved with gravel six inches thick to a width of not less than sixteen feet with proper drainage ditches to be constructed by said Terminal Railway except as otherwise herein directed as to the approaches. The existing highway between the points of junction with the new highway to be closed and discontinued when the new highway, including the bridge and approaches, shall have been fully constructed and opened for public use." *b.* In the requirement for the length of span of the bridge strike out the words "and be of a length to span the entire right of way of said railway" and insert in place thereof the words "and be of a length of approximately seven hundred and fifty feet". *c.* In the requirements as to the floor of the bridge strike out the word "asphalt" and insert in place thereof the words "the best quality of paving brick". *d.* In the requirements as to the approaches after the word "macadamized" insert the words "a width of eighteen feet and a depth of not less than six inches with a sidewalk constructed of macadam topped with screenings of a width of five feet and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge".

3. Union road and French road: *a.* In the description of the new highways to be laid out and the location of the bridge, strike out the words "practically at the intersection of the present Union and French roads grade crossings," and insert in place thereof the words "as shown upon the map annexed to the amended petition of said Terminal Railway of Buffalo filed with this Commission the 1st day of October, 1909, at a distance of practically six hundred and forty feet southwest from the point of intersection of the center lines of said Union road and French road, and at right angles to the center line of said Terminal Railway; the new highways to be opened connecting the said French road and Union road to be parallel with said center line, the new highway to the northwest of said railroad to be one thousand one hundred sixty-five feet from said center line and the new highway to the southeast of said railroad to be one thousand one hundred fifty feet from said center line, said new highway to be joined to the new highway crossing the railroad at right angles with curves in both directions having a radius of two hundred feet. The width of said new highways to be sixty-six feet. A good earth roadbed paved with gravel six inches thick to a width of not less than sixteen feet with proper drainage ditches to be constructed by said Terminal Railway, except as otherwise herein directed as to the approaches. The existing highways between the several points of junction with the new highways to be closed and discontinued when the new highways, including the bridge and approaches, shall have been fully constructed and opened for public use." *b.* In the requirements as to the length of the bridge strike out the words "and be of a length to span the entire right of way of said railway" and insert in place thereof the words "and be of the length of approximately seven hundred and sixty-five feet". *c.* In the requirement as to the floor of said bridge strike out the word "asphalt" and insert in place thereof the words "the best quality of paving brick". *d.* In the requirement as to the approaches after the word "macadamized" insert the words "a width of eighteen feet and a depth of not less than six inches with a sidewalk constructed of macadam topped with screenings of a width of five feet, and shall be guarded by a strong and substantial railing on both sides of a material and dimensions to be approved in connection with the detailed plans for said bridge".

4. That the vertical clearance of each and every of said bridges from the top of the rails of the railroad tracks shall not be less than twenty-one feet.

It is hereby expressly stated that this order is amendatory only of said

determination dated April 30, 1907, of the Board of Railroad Commissioners, and shall not be construed as amending or modifying in any respect the provision of said determination of said Board of Railroad Commissioners which is contained in and is repeated in said determination in these words: "that The Terminal Railway of Buffalo shall maintain the roadway and sidewalk on the said overhead bridge and said approaches thereto, irrespective of the provisions of section 64 of the Railroad Law"; but this order shall not be construed as in any manner affirming said provision just quoted, it being the express intent of this Commission in this order to modify the said order of the Board of Railroad Commissioners only as herein expressly stated. Annexed hereto is a copy of those portions of said order which are herein amended, embodying the amendments directed by this order.

a. That the Rowley road highway grade crossing of The Terminal Railway of Buffalo in the town of Cheektowaga, Erie county, shall be changed to an overhead bridge crossing of said railway to be situated at the present location of the crossing; that said overhead bridge shall be of steel, of a clear width of 24 feet for the roadway and have a five feet sidewalk on brackets and be of a length of approximately 200 feet; that the floor of said overhead bridge shall be of the best quality of paving brick; that the approaches to said overhead bridge shall be on a grade not greater than four per cent and shall be of a width of 29 feet, including roadway and sidewalk; that said approaches shall be macadamized a width of 18 feet and a depth of not less than 6 inches with a sidewalk constructed of macadam topped with screenings of a width of 5 feet, the said approaches to be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge; that said overhead bridge shall be of sufficient strength to sustain its own dead weight together with a uniformly distributed load of 100 pounds to the square foot with a concentrated load equivalent to an eighteen-ton steam road roller arranged as follows: six tons on forward axle, and twelve tons on rear axle, axles ten feet apart, the roller assumed to occupy a width of twelve feet.

b. That the Lawson Road highway grade crossing of The Terminal Railway of Buffalo in the town of Cheektowaga, Erie county, shall be changed to an overhead bridge crossing of said railway to be situated substantially as shown upon the map annexed to the amended petition of said Terminal Railway of Buffalo filed with this Commission on the 1st day of October, 1909, upon a new highway to be laid out and constructed substantially as shown upon said map, the part crossing the center line of said Terminal Railway to be at right angles thereto and the part parallel to said center line being at a distance of 1600 feet therefrom the two parts to be united by a curve of two hundred feet radius. The width of said new highway to be sixty-six feet. A good earth roadbed paved with gravel six inches thick to a width of not less than sixteen feet with proper drainage ditches to be constructed by said Terminal Railway except as otherwise herein directed as to the approaches. The existing highway between the points of junction with the new highway to be closed and discontinued when the new highway, including the bridge and approaches, shall have been fully constructed and opened for public use. That said overhead bridge shall be of steel, of a width of thirty feet for roadway and have a five feet sidewalk on brackets and be of a length of approximately seven hundred and fifty feet; that the floor of said overhead bridge shall be of the best quality of paving brick; that the approaches to said overhead bridge shall be on a grade not greater than four per cent, and shall be of a width of thirty-five feet, including roadway and sidewalk; that said approaches shall be macadamized a width of eighteen feet and a depth of not less than six inches with a sidewalk constructed of macadam topped with screenings of a width of five feet and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge; that said overhead bridge shall be of sufficient strength to carry a street surface railroad car weighing fifty tons loaded.

c. That the Union road and the French road highway grade crossings of The Terminal Railway of Buffalo in the town of Cheektowaga, Erie county,

shall be closed and discontinued, and that new pieces of highway substantially parallel with the tracks and an overhead bridge crossing of said railway (to take the place of these two existing grade crossings) shall be constructed, the said overhead bridge crossing to be located as shown upon the map annexed to the amended petition of said Terminal Railway of Buffalo filed with this Commission the 1st day of October, 1909, at a distance of practically six hundred and forty feet southwest from the point of intersection of the center lines of said Union road and French road, and at right angles to the center line of said Terminal Railway; the new highways to be opened connecting the said French road and Union road to be parallel with said center line, the new highway to the northwest of said railroad to be one thousand one hundred and sixty-five feet from said center line and the new highway to the southeast of said railroad to be one thousand one hundred and fifty feet from said center line, said new highways to be joined to the new highway crossing the railroad at right angles with curves in both directions having a radius of two hundred feet. The width of said new highways to be sixty-six feet. A good earth roadbed paved with gravel six inches thick to a width of not less than sixteen feet with proper drainage ditches to be constructed by said Terminal Railway, except as otherwise herein directed as to the approaches. The existing highways between the several points of junction with the new highways to be closed and discontinued when the new highways, including the bridge and approaches, shall have been fully constructed and opened for public use; that said overhead bridge shall be of steel, of a width of thirty feet for roadway and have a five feet sidewalk on brackets and be of the length of approximately seven hundred and sixty-five feet; that the floor of said overhead bridge shall be of the best quality of paving brick; that the approaches to said overhead bridge shall be on a grade not greater than four per cent and shall be of a width of 35 feet, including roadway and sidewalk; that said approaches shall be macadamized a width of eighteen feet and a depth of not less than six inches with a sidewalk constructed of macadam topped with screenings of a width of five feet and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge; that said overhead bridge shall be of sufficient strength to carry a street surface railroad car weighing fifty tons loaded.

[Case No. 84]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of THE TERMINAL RAILWAY OF BUFFALO for a modification of the determination of the Board of Railroad Commissioners dated April 30, 1907, as to the railway of said company crossing highways in the town of West Seneca, Erie county.

After due deliberation it is

Ordered: That the determination and order of the former Board of Railroad Commissioners dated the 30th day of April, 1907, made in Grade Crossing Case No. 650, the proceeding being entitled "In the matter of the petition of The Terminal Railway of Buffalo under sections 60 and 62 of the Railroad Law as to its railway crossing highways in the town of West Seneca, Erie county," be and is hereby modified and amended as follows, this Commission determining that such modifications and amendments are necessary:

1. Clinton street: *a.* In the paragraph marked "A" determining the method of eliminating the Clinton street highway grade crossing, strike out the words "and be of a length to span the entire right of way of said railway" and insert in place thereof the words "and be of the length of approximately nine hundred and twenty-five feet". *b.* In the requirements for the floor of said bridge strike out the word "asphalt" and insert in place thereof "the best quality of paving brick". *c.* In the requirements for the approaches, after the word "brick," insert the words "a clear width of eighteen feet for the roadway and shall have a sidewalk constructed of macadam topped with screenings of a width of five feet and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge; the paving of said approaches shall be extended along said Clinton street in both directions to the points where said street is now actually paved."

2. Mineral Spring road: *a.* In the requirement for the length of the bridge to be constructed upon the Mineral Spring road, strike out the words "and be of a length to span the entire right of way of said railway" and insert in place thereof "and be of the length of approximately one hundred and seventy-five feet". *b.* In the requirement as to the floor of the bridge strike out the word "asphalt" and insert in place thereof the words "the best quality of paving brick". *c.* In the requirements as to the approaches, after the word "macadamized," insert the words "a width of eighteen feet and a depth of not less than six inches, with a sidewalk constructed of macadam topped with screenings of a width of five feet, and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge, with the approach upon the northwesterly side to be carried out upon the Indian Church road a sufficient distance to make the required grade of not more than four per cent."

3. That the vertical clearance of both of said bridges from the top of the rails of the railroad tracks shall not be less than twenty-one feet.

It is hereby expressly determined that this order is amendatory only of such determination dated April 30, 1907, of the Board of Railroad Commissioners, and shall not be construed as amending or modifying the provision of such determination of the said Board of Railroad Commissioners which is contained in and repeated in said determination as to both bridges in the following words: "That The Terminal Railway of Buffalo shall maintain the roadway and sidewalk on the said overhead bridge and said approaches thereto irrespective of the provisions of section 64 of the Railroad Law"; and this order shall not be construed as in any manner affirming said provision just quoted, it being the express intent of this order to modify the said order of the said Board of Railroad Commissioners only as herein expressly stated, and that said modifications and amendments shall not in any respect either affirm or modify said determination of the Board of Railroad Commissioners in respect to such maintenance, leaving the same wholly as though this order had not been adopted. Annexed hereto is a copy of those portions of said order which are herein amended embodying the amendments directed by this order:

a. That the Clinton street highway grade crossing of The Terminal Railway of Buffalo in the town of West Seneca, Erie county, shall be changed to an overhead bridge crossing of said railway to be situated at the present location of the crossing; that said overhead bridge shall be of steel, of a width of thirty feet for roadway and have a five feet sidewalk on brackets, and be of the length of approximately nine hundred and twenty-five feet; that the floor of said overhead bridge shall be of the best quality of paving brick; that the approaches to said overhead bridge shall be on a grade not greater than four per cent and shall be of a width of thirty-five feet, including roadway and sidewalk; that said approaches shall be paved with brick a clear width of eighteen feet for the roadway and shall have a sidewalk constructed of macadam topped with screenings of a width of five feet and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge; the

paving of said approaches shall be extended along said Clinton street in both directions to the points where said street is now actually paved; that said overhead bridge shall be of sufficient strength to carry a street surface railroad car weighing fifty tons loaded.

b. That the Mineral Spring road highway grade crossing of The Terminal Railway of Buffalo in the town of West Seneca, Erie county, shall be closed and discontinued and new pieces of highway and an overhead bridge crossing of said railway (to take the place of this existing grade crossing) shall be constructed, said overhead bridge crossing to be located about one hundred feet north of the present grade crossing, the new pieces of highway in fact being the approaches to the overhead bridge; that said overhead bridge shall be of steel, of a width of thirty feet for roadway and have a five feet sidewalk on brackets and be of the length of approximately one hundred and seventy-five feet; that the floor of said overhead bridge shall be of the best quality of paving brick; that the approaches to said overhead bridge shall be on a grade not greater than four per cent and shall be of a width of thirty-five feet, including roadway and sidewalk; that said approaches shall be macadamized a width of eighteen feet and a depth of not less than six inches, with a sidewalk constructed of macadam topped with screenings of a width of five feet, and shall be guarded by a strong and substantial railing on both sides, of a material and dimensions to be approved in connection with the detailed plans for said bridge; with the approach upon the northwesterly side to be carried out upon the Indian Church road a sufficient distance to make the required grade of not more than four per cent; that said overhead bridge shall be of sufficient strength to carry a street surface railroad car weighing fifty tons loaded.

[Case No. 1079]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of ARCHIBALD A. CABANISS, COMMANDING OFFICER OF FORT ONTARIO, Oswego, N. Y.

Ordered: That the petition of Archibald A. Cabaniss, commanding officer of Fort Ontario, Oswego, N. Y., asking for a modification of and amendment to that portion of the order of the former Board of Railroad Commissioners dated August 14, 1905, so far as the same relates to the closing of the crossing at East Fourth and Schuyler streets in the city of Oswego, to the end that the said crossing may be left open and be available for traffic, be and the same is hereby denied.

[*See* three orders following, same case.]

[Case No. 1079]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the OSWEGO DOCK AND LAND COMPANY for a reopening and rehearing of the Petition of the Mayor and Common Council of the City of Oswego dated February 21, 1905.

Ordered: That the application of the Oswego Dock and Land Company for a reopening and rehearing of the petition of the mayor and common council of the city of Oswego dated February 21, 1905, and filed with the Board of Railroad Commissioners, and of the order of the Board of Railroad Commissioners dated August 14, 1905, to the end that the said order of said Board of Railroad Commissioners may be modified and changed so that the crossing at grade on East Fourth street in the city of Oswego over the tracks of The New York Central and Hudson River Railroad Company and the New York, Ontario and Western Railway Company may not be eliminated and discontinued, be and the same is hereby denied.

[*See* preceding order and two orders following, same case.]

[Case No. 1079]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY for the opening of the proceedings for the elimination of the grade crossings on East Fourth street and Schuyler street in the city of Oswego.

In the matter of the petition of the New York, Ontario and Western Railway Company for the opening of the proceedings for the elimination of the grade crossings on East Fourth street and Schuyler street in the city of Oswego, in order to bring in Peter Collins and John Moriarity as parties to said proceeding, said petition having been filed the 29th day of August, 1909,

Ordered: 1. That the said proceeding be not opened and a rehearing granted for the purpose of bringing in said Peter Collins and John Moriarity as parties thereto.

Ordered: 2. That the said grade crossings on said East Fourth street and said Schuyler street in the city of Oswego be at once closed and discontinued pursuant to the order and determination of the Board of Railroad Commissioners, by the erection of suitable fences or barriers on each side of the existing railroad tracks and as near thereto as is consistent with the safe operation of the railroads.

Ordered: 3. That the new street required by said order to be constructed to connect East Fourth street with Schuyler street has been constructed so as to be a substantial compliance with the requirements of said order, and that any and all orders or determinations of the Board of Railroad Commissioners requiring any work or construction on said street beyond or in addition to that already performed be and hereby are rescinded and annulled as to such additional work and construction.

[*See* two preceding orders and order following, same case.]

[Case No. 1079]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CITY OF OSWEGO for a rehearing in the proceedings to eliminate the grade crossings in East Fourth street and Schuyler street in the city of Oswego.

In the matter of the petition of the City of Oswego for a rehearing in the proceedings to eliminate the grade crossings in East Fourth street and Schuyler street in the city of Oswego, which proceedings were had pursuant to the petition of said city filed with the former Board of Railroad Commissioners on or about February 21, 1905, and in which proceedings said former Board of Railroad Commissioners determined that public safety required said crossings to be closed, the said City of Oswego averring in its petition instituting said proceedings that public safety did require such closing;

Ordered: 1. That public safety requires that the said crossings be closed pursuant to the order of said former Board of Railroad Commissioners.

Ordered: 2. That the petition of the City of Oswego for a rehearing in said proceeding and a modification of said order of the former Board of Railroad Commissioners be and the same is hereby denied.

[*See* three orders preceding, same case.]

[Case No. 546]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF BROCTON *against* THE PENNSYLVANIA RAILROAD COMPANY and THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, asking for the installation of gates at the Central Avenue grade highway crossing of the tracks of said companies in the village of Brocton.

In the matter of the complaint of the board of trustees of the village of Brocton against The Pennsylvania Railroad Company and The New York,

Chicago and St. Louis Railroad Company, asking for the installation of gates at the Central Avenue grade highway crossing of the tracks of said companies in the village of Brocton, it is admitted by the respondents that protection at said crossing is required which they claim is given by a flagman now stationed there. They further claim that the situation is such, owing to the proximity of the gates at the crossing of the Lake Shore and Michigan Southern railroad, that the installation of gates would create additional danger. An inspection of the crossing by two of the commissioners disclosed that the complaint is well founded, and that at times the view is so obscured by trains and cars upon sidings as to make it impossible for a flagman stationed upon the ground to afford proper protection.

Ordered: That said respondents be and are hereby directed to install gates at said crossing to be operated from a tower; that respondents submit to the Commission plans showing the location of said gates and tower before the 1st day of January, 1910, and that upon the approval of said plans the Commission will make further order prescribing the time within which the installation shall be completed.

[Case No. 1283]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the VILLAGE OF MEDINA to determine the manner of carrying a new street across the New York Central and Hudson River railroad.

A petition under section 61 of the Railroad Law as amended by chapter 153 of the laws of 1909 having been filed with this Commission by the village of Medina for an order determining whether a new street to be constructed in said village from East Center street to Oak Orchard street shall cross the New York Central and Hudson River railroad, over, under, or at the grade of said railroad; and a public hearing on said petition, after notice as required by the statute, having been held by this Commission in the city of Buffalo on October 22, 1909, *R. E. Harcourt* appearing for the petitioner, *Irving L'Hommedieu* appearing for the Medina Canning Company, and *Charles A. Pooley* appearing for The New York Central and Hudson River Railroad Company; now upon the aforesaid petition, papers and map filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That the new street proposed to be laid out in the village of Medina from East Center street southerly to Oak Orchard street and crossing the lands and tracks of The New York Central and Hudson River Railroad Company on a line crossing the gauge of the south rail of The New York Central and Hudson River Railroad Company's tracks at station 1875, 50.82 of the said New York Central and Hudson River Railroad Company's survey, be carried under said railroad in a subway to be built under the tracks of The New York Central and Hudson River Railroad Company, on plans and specifications hereafter to be furnished by the village and approved by the railroad company, and substantially in the form of a subway with 12 feet clearance and grades of not to exceed 5 per cent extending into East Center street and running out easterly and westerly on East Center street upon the grade of 5 per cent as hereinbefore stated. Said plans and specifications to be submitted to this Commission for approval.

[Case No. 1323]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of GENESEE RIVER RAILROAD COMPANY, under section 60 of the Railroad Law for a determination of the manner in which its railroad shall cross streets, avenues, or highways in Livingston and Allegany counties.

Whereas, The Genesee River Railroad Company has filed with this Commission its petition in this matter showing that on October 10, 1906, the Board of Railroad Commissioners made its order whereby it was determined that a certain street from Rossburg to Hunts, in the town of Portage, county of Livingston, should cross the Genesee River railroad near station 147 in the following manner: to wit, "3. (Exhibit C) Town of Portage: Highway from Rossburg to Hunts near station 147 of the filed center line of Genesee River railroad. The highway shall be changed in location and shall be carried under the railroad at a point shown on a plan dated May 30, 1906, and marked Exhibit C, now on file with this Board in this matter. The clear width of this undercrossing shall be sixteen feet and the vertical clearance shall be twelve feet, as shown on said plan, Exhibit C, dated May 30, 1906. A piece of existing highway shall be abandoned and a new piece of highway shall be constructed in accordance with said plan, Exhibit C, dated May 30, 1906. The maximum grade on the new piece of highway and on the approaches to the undercrossing shall be 9 per cent, as shown on said plan, Exhibit C, dated May 30, 1906"; and further showing that on account of difficulties in connection with the construction of the proposed crossing near station 147 of the filed center line of the Genesee River railroad, an agreement had been entered into with the town authorities of the town of Portage consenting to a change in the location of the crossing of said railroad, and providing for a new piece of highway which shall cross the Genesee River railroad at station 157+40 in the manner shown on a map filed as an exhibit attached to said petition, and in accordance with the said agreement between the Genesee River Railroad Company and the Town of Portage, dated September 30, 1909, also attached to said petition; and

Whereas, Said agreement is signed by the supervisor, justices of the peace, town clerk, and highway commissioner of said town, who have also approved of the map filed with said petition; and

Whereas, The petitioner prays that the determination of the Board of Railroad Commissioners be modified so as to conform to the provisions of the agreement hereinbefore set forth; now

Ordered: That the determination No. 3 of the Board of Railroad Commissioners hereinbefore set forth be modified so as to read as follows: "3. (Exhibit C) Town of Portage: Highway from Rossburg to Hunts, near station 147 of filed center line of Genesee River railroad. The portion of said highway shown in yellow on the map attached to the petition herein entitled 'Genesee River railroad re-location of highway station 148+75, August 22, 1909, be abandoned, and that a new highway be constructed as shown in red on said petition, to cross the Genesee River railroad at station No. 157+40 of the filed center line of said railroad; said re-location of highway, construction of the new highway, and abandonment of the old

highway to be made in accordance with the provisions of the agreement of September 30, 1909, hereinbefore referred to; the highway to be laid out by virtue of the said agreement is described as follows:

The said highway to be laid out is to be not less than 3 rods in width, and the following is a description of the center line thereof: Beginning at a point in the center of the present highway, and being the point marked "B" on the annexed map, which said point is 226 feet distant from, measured at right angles to, the center line of the Genesee River railroad at station 171 plus 25; thence by a curve concave to the right, with a radius of 76.6 feet, a distance of 72.15 feet; thence north 78 degrees 32 minutes west, 75 feet; thence by a curve concave to the right, with a radius of 68 feet, a distance of 109.8 feet; thence north 13 degrees 58 minutes east, 58 feet; thence by a curve concave to the left, with a radius of 68 feet, a distance of 88 feet; thence north 60 degrees 50 minutes west, 35 feet; thence by a curve concave to the right with a radius of 85 feet, a distance of 57 feet; thence north 22 degrees 12 minutes west, 57.6 feet; thence by a curve concave to the left, with a radius of 181.6 feet, a distance of 92 feet; thence north 51 degrees 48 minutes west, 54 feet; thence by a curve concave to the right, with a radius of 220 feet, a distance of 67 feet; thence north 34 degrees 8 minutes west, 126 feet; thence by a curve concave to the right, with a radius of 38 feet, a distance of 43 feet; thence north 1 degree 12 minutes west, 76 feet; thence by a curve concave to the left, with a radius of 247 feet, a distance of 62 feet; thence north 15 degrees 58 minutes west, 110 feet; thence by a curve concave to the right, with a radius of 244 feet, a distance of 54 feet; thence north 3 degrees 48 minutes west, 160 feet; thence north 9 degrees 3 minutes west, 74 feet; thence by a curve concave to the right, with a radius of 38 feet, a distance of 43 feet; thence north 53 degrees 19 minutes east, and passing through the said center line of the Genesee River railroad at station 157 plus 40, 47 feet; thence by a curve concave to the right, with a radius of 38 feet, a distance of 43 feet; thence north 2 degrees 37 minutes east, 65 feet; thence by a curve concave to the right, with a radius of 130 feet, a distance of 69 feet; thence north 32 degrees 45 minutes east, 32 feet; thence by a curve concave to the left, with a radius of 135 feet, a distance of 218 feet; thence north 59 degrees 21 minutes west, 232 feet; thence by a curve concave to the right, with a radius of 285 feet, a distance of 118 feet; thence north 34 degrees 49 minutes west, 70 feet; thence by a curve concave to the right, with a radius of 72 feet, a distance of 116 feet; thence north 57 degrees 31 minutes east, 152 feet; thence by a curve concave to the left, with a radius of 287 feet, a distance of 120 feet; thence north 33 degrees 9 minutes east, 221 feet; thence by a curve concave to the right, with a radius of 92 feet, a distance of 56 feet; thence north 67 degrees 1 minute east, 88 feet; thence by a curve concave to the left, with a radius of 110 feet, a distance of 203 feet; thence north 39 degrees 45 minutes west, 49 feet; thence by a curve concave to the right, with a radius of 60 feet, a distance of 83 feet; thence north 43 degrees 5 minutes east, 165 feet; thence by a curve concave to the left, with a radius of 61 feet, a distance of 58 feet; and thence north 14 degrees 45 minutes west, 80 feet to a point in the center line of the present highway, being the point marked "A" on the annexed map.

The new highway shall cross the Genesee River railroad at about station 157 + 40 by means of an overgrade bridge in three spans supported at the ends by masonry abutments, the intermediate supports being metal bents. The center span is to be about 45 feet long and the two end spans each about 34 feet 2 inches long. The clear height above the base of rail shall be 22 feet. The superstructure, which is to be of through plate girder construction, shall have trusses spaced on 16-ft. centers. The distance between the wheel-guards is to be 14 feet. The northerly approach to this overgrade bridge shall be on a grade of 0.8 of 1 per cent. The southerly approach shall be on a grade of 6.5 per cent.

The highway to be abandoned by virtue of the said agreement is described as follows:

Beginning at a point in the center of highway known as the Mudville Hill road, and being the point marked "C" on the annexed map, which said point is situate about 585 feet distant at right angles from station 154+55 of the Genesee River railroad; thence along the center of said highway the following courses and distances: north 62 degrees 51 minutes east, 23.2 feet; thence northeasterly by a curve to the left of radius 50 feet, a distance of 55 feet; thence north 0 degrees 9 minutes west, 139.87 feet; thence north 9 degrees 59 minutes west, 117.7 feet; thence north 12 degrees 29 minutes west, 317.28 feet; thence easterly, by a curve to the right of radius 50 feet, a distance of 73.29 feet; thence north 71 degrees 31 minutes east, 64.98 feet; thence north 37 degrees 31 minutes east, 110 feet; thence north 55 degrees 31 minutes east, 41.7 feet to station 148 plus 75 of the center line of the Genesee River railroad; thence north 55 degrees 31 minutes east, 35 feet; thence north 0 degrees 1 minute west 87 feet; thence north 55 degrees 44 minutes east, 269.43 feet; thence northeasterly by a curve concave to the left of radius 100 feet, 59.34 feet; thence north 21 degrees 44

minutes east, 69.43 feet; thence north 26 degrees 44 minutes east, 299.2 feet; thence north 40 degrees 15 minutes east, 55 feet; thence north 31 degrees 30 minutes east, 68 feet; thence north 53 degrees 50 minutes east, 192 feet; thence north 47 degrees 31 minutes east, 75 feet, and thence north 32 degrees 17 minutes east, 86 feet to the point marked "A" on the annexed map, and being the point of intersection of the new highway to be laid out, according to the annexed agreement.

And it is further Ordered: That all expenses of the abandonment of the present highway, re-location of the new highway, including the overgrade bridge, and all damages connected with the abandonment of the re-location, shall be paid by the railroad company, in accordance with the agreement of September 30, 1909.

[Case No. 1360]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JAMES M. MURRAY, AS SUPERVISOR OF THE TOWN OF FORT EDWARD, Washington county, *against* THE DELAWARE AND HUDSON COMPANY, praying that gates be erected and operated or a flagman stationed at the grade crossing by said company's railroad of Parry street in said town.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The Delaware and Hudson Company, and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany and a copy of said answer shall be served by said company, either personally or by mail, upon Willard Robinson, attorney complainant, at his office and postoffice address, Merchants' Block, Fort Edward, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and attorney for complainant shall notify the Secretary of receipt of a copy of said answer.

[Case No. 898]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of FLOY W. MERVILLE *against* GENESEE RIVER RAILROAD COMPANY as to farm crossing.

After due deliberation it is

Ordered: That the matter of the application of Floy W. Merville against the Genesee River Railroad Company as to construction of a farm crossing on the lands of the petitioner be and hereby is closed, it appearing by letter dated December 9, 1909, addressed to this Commission, that the matter has been adjusted to the satisfaction of petitioner.

[Case No. 1070]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for approval of its plans to change the overhead highway bridge at Creek road, in the town of Poughkeepsie, Dutchess county.

Whereas, The Central New England Railway Company has by letter dated November 12, 1909, applied to this Commission, in connection with the change of route and double tracking of its road from Hopewell to Poughkeepsie Junction, for approval of its plans to change the overhead highway bridge at Creek road, in the town of Poughkeepsie, as shown on drawing dated August, 1909, and marked "Approved" by W. J. Backes, chief engineer, and E. H. McHenry, vice-president, which drawing shows a proposed minimum clearance of said bridge over the rails of 21 feet, an increase of 2 feet and 9 inches over the clearance height of present bridge; and

Whereas, It appears from a conversation had by Commissioner Sague with Fred C. Hornbeck, supervisor of the town of Poughkeepsie, that the town authorities will not oppose the change covered by said application provided it shall not in any way subject the said town of Poughkeepsie to the payment of or liability for any portion of the expense thereof or of any damages that may result therefrom, and that the whole of such expense and damages shall be borne by the said railway company, including all damages sustained by adjacent property owners by reason of such changes or the changes in the grade of highway approaches to said bridge; and

Whereas, It appears to this Commission that the increase of clearance of said bridge to 21 feet above the tracks is necessary for the safety of the railway employees; it is

Ordered: That the said plans are hereby approved, on condition that the entire expense of changing said bridge and the highway approaches thereto shall be borne by the railway company.

[Case No. 1382]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DR. A. B. ROOD of Minoa, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to obstruction of crossing by freight trains.

After due deliberation it is

Ordered: That the complaint be and hereby is closed upon the records of this Commission, in the matter of the complaint of Dr. A. B. Rood of Minoa, N. Y., against The New York Central and Hudson River Railroad Company, as to obstruction of crossing by freight trains, it appearing in a letter dated December 27, 1909, and addressed to this Commission, that the answer filed by the respondent fully satisfies the complainant.

APPENDIX G

In the Matter of Passenger Train Service by Railroad Corporations.

APPENDIX G

[Case No. 525]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of J. D. WASSON of Albany *against* THE DELAWARE AND HUDSON COMPANY as to passenger train service on its Susquehanna division, between Albany and Altamont.

After due deliberation it is

Ordered: That the matter of this complaint be and is hereby closed on the records of this Commission, complainant having advised that service has been very greatly improved.

[Case No. 606]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of A. A. LAVERY of Ballston Spa, N. Y., *against* HUDSON VALLEY RAILWAY COMPANY and SCHENECTADY RAILWAY COMPANY.

After due deliberation it is

Ordered: That the matter of this complaint be and is hereby dismissed on the records of this Commission so far as said complaint refers to the Hudson Valley Railway Company, said company having granted much of the relief asked for by complainant, who now asks that his complaint as to said company be dismissed.

[Case No. 475]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CERTAIN RESIDENTS OF THE VILLAGE OF MARION, Wayne County, *against* NEWARK AND MARION RAILWAY COMPANY.

Whereas, In the complaint of certain residents of the village of Marion, Wayne county, against the Newark and Marion Railway Company, upon the complaint and answer a public hearing was appointed by this Commission to be held at the Chamber of Commerce in the city of Rochester on Thursday, January 7, 1909, at 10 o'clock in the forenoon, a public notice of which hearing was served upon all of the complainants; and

Whereas, At said time and place none of the complainants appeared to prosecute the said complaint;

Ordered: That said complaint be and the same is hereby dismissed.

[Case No. 665]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF PORT DICKINSON *against* BINGHAMTON RAILWAY COMPANY as to service rendered the public.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, two additional early morning cars having been placed in operation.

[Case No. 563]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to passenger train service between Philadelphia and Ogdensburg (Utica and Black River railroad).

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainants advising that the present service is satisfactory.

[Case No. 662]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE TOWNS OF REMSEN, Oneida County; and RUSSIA, OHIO, and WILMURT, Herkimer county; and MOREHOUSE, Hamilton county, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to stopping passenger trains at the Prospect station of said company.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainants advising that since complaint was presented all trains stop at Prospect.

[Case No. 690]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF PEMBROKE and EAST PEMBROKE *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to passenger train service to and from Batavia on what is called the West Peanut Branch of said company's railroad.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, the company having resumed the mixed freight and passenger service which was discontinued in June, 1908.

[Case No. 644]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of HENRY INTERMAN, SUPERVISOR OF THE 22ND WARD OF ROCHESTER, *against* ROCHESTER RAILWAY COMPANY as to reduction of passenger fare on what is called the Sea Breeze Line, and as to alleged inadequate service on said line on Saturdays and Sundays.

Ordered: That in the above entitled matter the Rochester and Suburban Railway Company be substituted as respondent in place of the Rochester Railway Company.

[Case No. 650]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF ROCHESTER *against* ROCHESTER RAILWAY COMPANY as to reduction of passenger fare on what is called the Sea Breeze Line.

Ordered: That in the above entitled matter the Rochester and Suburban Railway Company be substituted as respondent in place of the Rochester Railway Company.

[Case No. 377]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF ITHACA *against* ITHACA STREET RAILWAY COMPANY as to night service on said company's lines.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, with permission to reopen at any time.

[Case No. 739]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of GEORGE TAIT, CLARENCE M. WILMARTH, CHARLES H. PEDDRICK, JR., and HENRY W. WILLIAMS, members of a committee of the Commercial Association of Glens Falls, *against* THE DELAWARE AND HUDSON COMPANY as to passenger train service.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, the complainants advising that a satisfactory settlement of the complaint has been made with the company.

[Case No. 740]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of GEORGE TAIT, CLARENCE M. WILMARTH, CHARLES H. PEDDRICK, JR., and HENRY W. WILLIAMS, members of a committee of the Commercial Association of Glens Falls, *against* THE DELAWARE AND HUDSON COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to operating a New York-Saratoga sleeping car.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, the complainants advising that a satisfactory settlement of the complaint has been made with the companies.

[Case No. 639]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the VILLAGE OF GREEN ISLAND *against* UNITED TRACTION COMPANY as to alleged inadequate service between the city of Troy and the village of Green Island between the hours of 5 p. m. and 7 p. m. on week days.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, attorney for complainant having advised that the present service is perfectly satisfactory to the village of Green Island.

[Case No. 578]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF COBLESKILL *against* THE DELAWARE AND HUDSON COMPANY as to passenger train service and passenger commutation rates between Cobleskill and Albany.

The respondent, The Delaware and Hudson Company, having since the presentation of the petition herein remedied to a certain extent the conditions complained of in said petition by putting a morning train, No. 3, leaving Cobleskill at 7:15 a. m. and arriving at Albany at 8:50 a. m., it is

Ordered: 1. That the petition herein be and hereby is denied, without prejudice to renew the same should train No. 3 be discontinued or different circumstances as to train service present themselves.

Ordered: 2. That the application as to commutation tickets be and hereby is denied, the rate now in force for a commutation ticket between Cobleskill and Albany being in the opinion of the Commission reasonable.

[Case No. 746]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of H. W. MERCEREAU AND OTHERS OF UNION, Broome county, *against* BINGHAMTON RAILWAY COMPANY as to its 4:55 p. m. passenger car being run through to Union.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainants advising that the putting on of the car at 4:55 p. m. satisfactorily disposes of the cause of the complaint.

[Case No. 573]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of EDWARD P. LYNCH of Ogdensburg, N. Y., as to service by the OGDENSBURG STREET RAILWAY COMPANY.

After due deliberation it is

Ordered: That the matter of the above entitled complaint be closed on the records of this Commission, complainant having advised that he wishes to take no further action on it at this time.

[Case No. 664]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PATRONS OF THE PINE HILLS (Albany) LINE OF THE UNITED TRACTION COMPANY *against* the UNITED TRACTION COMPANY as to services rendered the public on said line.

Whereas, Heretofore and on or about the 21st day of November, 1908, certain residents of the city of Albany, N. Y., patrons of what is known as the "Pine Hills" line of the United Traction Company, filed a complaint with this Commission complaining, among other things, that during the "rush hours" between 7 and 9 a. m. and 5 and 7 p. m., the cars on said "Pine Hills" line were overcrowded; and

Whereas, Thereafter a hearing upon said complaint was had by and before this Commission, after due notice to said United Traction Company, and testimony taken thereon and due consideration given thereto; and

Whereas, It appears from such testimony that there are operated upon said "Pine Hills" line two types of cars: one type known as the 400 type, with a seating capacity of 26, and some smaller cars with a seating capacity of 22; and

Whereas, It appears that the cars on said "Pine Hills" line are frequently overcrowded to the great discomfort and annoyance of the passengers thereon, and that the practice of the said United Traction Company in permitting such overcrowding is unjust and unreasonable; it is

Ordered: That from and after the 5th day of April, 1909, and until further order of this Commission, said United Traction Company shall limit the number of passengers carried on the cars operated on said "Pine Hills" line, while operated thereon, at any one time, as follows: to wit, upon the 400 type cars the number of passengers carried as aforesaid shall not exceed 40, and upon the smaller type cars the number of passengers shall not exceed 35, at any one time; that when any of the said cars shall have in it the said maximum number of passengers the motorman shall not stop the car for the reception of passengers until the number of passengers shall be reduced below said maximum, nor shall the conductor allow passengers to enter until such event; and it is further

Ordered: That said United Traction Company make and promulgate proper and sufficient rules and regulations to carry this order into effect and file a copy of the same with this Commission. It is further

Ordered: That this order shall take effect on the 5th day of April, 1909, and shall continue in force until modified or abrogated by this Commission. It is further

Ordered: That this case be retained for further investigation as to adequacy of the service under operation of the rule hereby adopted, and to that end the United Traction Company is hereby required to file with this Commission once in each week for a period of four weeks from April 5, 1909, a statement showing the headway actually maintained by the cars upon the line involved during said week.

[Case No. 153]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF LAKEVILLE, Livingston county, *against* ERIE RAILROAD COMPANY as to operation of cars on its Conesus Lake branch during the winter months.

On reading and filing the complaint, answer, and other papers in the above entitled matter, and after two public hearings therein, now after due deliberation it is

Ordered: 1. That the Erie Railroad Company is hereby directed to furnish to the inhabitants of Lakeville proper and suitable car accommodations from Lakeville and Conesus Lake Junction to connect with train No. 113, passing Conesus Lake Junction going north to Rochester at 7:35 a. m., and to connect with train No. 108 which passes Conesus Lake Junction going south from Rochester at 6:01 p. m., the details and methods of making such connection to be worked out by the respondent, Erie Railroad Company, and reported to this Commission;

Ordered: 2. That such connection be furnished by the respondent, Erie Railroad Company, by the 20th day of April, 1909, and to continue and be furnished during the winter months, to wit, from the time that the regular summer service is discontinued on the Conesus Lake branch of the Erie railroad up to the date when it is again restored;

Ordered: 3. That in case the respondent, Erie Railroad Company, furnishes such connection by means of a shuttle train run out from Avon, N. Y., that such train be run as a regular train from Avon, N. Y., to Lakeville, N. Y., in going over to Lakeville, and from Lakeville to Avon, N. Y., upon its return;

Ordered: 4. That said Erie Railroad Company shall notify this Commission on or before April 15, 1909, whether the terms of this order are accepted by said company and will be obeyed by it.

[Case No. 745]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of the CARTHAGE AND COPENHAGEN RAILROAD COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Whereas, Complaint is made that the train service operated by the respondent, The New York Central and Hudson River Railroad Company, at

"C. & C. Jct.," where the line of said respondent connects with the line of complainant, Carthage and Copenhagen Railroad Company, is insufficient and inadequate for reasonable and proper accommodation of the public; and

Whereas, The respondent did at the time of the opening of the Carthage and Copenhagen railroad, about two years prior to the date of complaint, stop by agreement or understanding with the complaint four of its trains at said "C. & C. Jct.," namely, its trains Nos. 60 and 74 from Ogdensburg and points north and running southerly toward Utica through Carthage and "C. & C. Jct.," and its trains Nos. 63 and 75 running northerly from Utica through "C. & C. Jct." and Carthage to Ogdensburg and points north, but that since December 20, 1908, the respondent has refused and neglected to stop its said trains Nos. 60 southbound and 75 northbound at "C. & C. Jct." except that train No. 75 is permitted to stop at "C. & C. Jct." only to discharge passengers from main line stations or to receive passengers for stations east of Carthage, and except that train No. 60 is permitted to stop at "C. & C. Jct." to discharge passengers for points east of Carthage or to receive passengers for stations on the main line; and

Whereas, It is the opinion of the Commission, after due hearing of the parties, that the full service of said trains at "C. & C. Jct." should be restored, except that respondent should have the option of making the stops at said "C. & C. Jct." provisional stops on signal to take on passengers for points south of "C. & C. Jct." as well as on the main line, and to discharge passengers from points in any direction beyond Carthage, including those who transfer from other trains to train No. 60 at Carthage, and for train No. 75 on signal to take on passengers destined for points beyond Carthage either by that train or intending to transfer to other trains at Carthage or to discharge passengers from points south of "C. & C. Jct." as well as from points on the main line; and

Whereas, The Commission is of the opinion that so much of the complaint as relates to the stoppage at "C. & C. Jct." of respondent's southbound train No. 72 should be dismissed; now therefore, on due consideration,

It is Ordered: That the respondent, The New York Central and Hudson River Railroad Company, be and is hereby directed and required on and after the 15th day of April, 1909, to stop its train No. 60 and its train No. 75 at "C. & C. Jct." and that said stops shall be either regular stops or provisional stops, namely, for train No. 60 on signal to take on passengers for points south of "C. & C. Jct." as well as on the main line and to discharge passengers from points in any direction beyond Carthage, including those who transfer from other trains to train No. 60 at Carthage, and for train No. 75 on signal to take on passengers destined for points beyond Carthage either by that train or intending to transfer to other trains at Carthage or to discharge passengers from points south of "C. & C. Jct." as well as from points on the main line; and

It is further Ordered: That so much of the complaint in this proceeding as relates to the stoppage at "C. & C. Jct." of respondent's train No. 72 be and is hereby dismissed.

[Case No. 472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of FREDERICK E. KENDRICK AND OTHERS *against* GREENWICH AND JOHNSONVILLE RAILWAY COMPANY, asking that passenger trains stop at a point called Lee's Station.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, the respondent informing the Commission at hearing of April 20, 1909, that discontinued trains will be restored.

[Case No. 688]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE VILLAGE OF ANDOVER, Allegany county, *against* ERIE RAILROAD COMPANY as to alleged inadequate passenger train service.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainants having advised that proposed new schedule satisfactorily disposes of cause of complaint.

[Case No. 699]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF WASHINGTON COUNTY *against* GREENWICH AND JOHNSONVILLE RAILWAY COMPANY.

In the matter of the complaint of many citizens of Washington county against the Greenwich and Johnsonville Railway Company for failure to give

passenger train service upon what is known as the Salem branch of the railroad of said company, the evidence adduced upon the hearing establishes to the satisfaction of the Commission: 1. that there is a demand for passenger transportation over the said portion of the railroad of said company; 2, that said demand is of considerable proportion, but the evidence does not disclose with any degree of accuracy what would be the extent of passenger traffic over said branch; 3. that the company has operated said branch for freight service since some time in the year 1907, but has never given any passenger service except by running a special train on two or three occasions; 4, that the demand for passenger service is sufficiently great as to make it reasonable that the company should be required to operate trains to accommodate the same for a period sufficiently long to enable the Commission to judge whether such service should be maintained permanently; therefore it is

Ordered: 1. That the Greenwich and Johnsonville Railway Company operate a passenger train, consisting of a locomotive and at least one coach, over that portion of its railroad extending from Greenwich to Rexleigh or Salem Junction, in the county of Washington, such operation to commence on the 10th day of May, 1909, and to continue each week day until the 31st day of October, 1909. That said train make at least two trips in each direction each week day, making reasonable connection with the trains on the Delaware and Hudson railroad at Rexleigh, which are now designated on the time-tables of said Delaware and Hudson Company as Nos. 52 and 56 southbound and Nos. 51 and 55 northbound. That the company furnish to this Commission as soon as practicable after the close of each calendar month a report showing the number of passengers carried on each train run between the terminal points, and also the actual operating expenses of the train so nearly as the same can be determined for the following matters: (1) wages of men employed on train; (2) coal consumed; (3) miscellaneous expense.

Ordered: 2. That this order shall take effect on the service of a certified copy thereof upon said company, and shall continue in force until October 31, 1909.

Ordered: 3. That this case be continued for further hearing to be fixed at any time by the Commission.

[Case No. 234]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the Matter of the Complaint of Residents of Ebenezer as to service by the Buffalo Southern Railway Company.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, complainants (Plarr and Snyder) having advised the Commission that the present service is satisfactory.

[Case No. 561]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE VILLAGE OF MARATHON *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY relative to passenger train service.

The village of Marathon having made complaint to this Commission, asking that train No. 906, leaving Syracuse at 12 o'clock noon and arriving at Binghamton at 2 p. m., be stopped at Marathon for the convenience of passengers, and a hearing upon said complaint having been had on the 4th of March, 1909, it is

Ordered: That the complaint be and hereby is dismissed.

[Case No. 363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CLARENCE S. GREENE AND OTHERS *against* ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY.

Whereas, In the matter of the complaint of Clarence S. Greene and others against the Rochester, Syracuse and Eastern Railroad Company, the following facts have been proven to the satisfaction of the Commission: 1, that the distance upon the railroad of respondent from its main stopping place in the village of Fairport to the boundary line of the city of Rochester is 6.68 miles, from the said boundary line to the stopping place of respondent in said city known as Culver Road is 1.32 miles, making a total distance from Fairport to Culver Road of 8 miles; 2, that the respondent has in its tariff provided for and sells to the public a commutation book containing 50 tickets, each ticket being good for one ride upon respondent's cars between Fairport and Culver Road, in either direction, for the sum of five dollars, said tickets being good for passage only within the 30 days next subsequent to the date of sale; 3, that the respondent has provided in its tariff that it shall charge and does charge and receive from passengers traveling upon its road between Fairport and Rochester, either direction, and using the aforesaid commutation book between Fairport and Culver Road, either direction, the sum of five cents from any point in the city of Rochester to Culver Road, either direction; 4, that the rate per mile for travel upon tickets contained in said commutation book is one and one-fourth cents from Fairport to Culver Road; 5, that at said rate of one and one-fourth cents per mile the fare from Fairport to

the boundary line of the city of Rochester is 8¾ cents, reckoning the distance as 7 miles, and that at said rate the price of a commutation book containing 50 tickets good between Fairport and said boundary line would be $4.38; and

Whereas, Upon said complaint, answer, and evidence at the hearing this Commission finds that the practice of the respondent, the Rochester, Syracuse and Eastern Railroad Company, in charging passengers using commutation books as aforesaid for the distance between Culver Road and the boundary line of the city of Rochester in the commutation rate, and five cents from Culver Road to points in the city of Rochester, is unjust, unreasonable, and in violation of the provisions of law, to wit, section 101 of the Railroad Law; and finds that the just and reasonable rates, fares, and charges for the commutation service between Fairport and any point in the city of Rochester upon respondent's line, is as follows: for a commutation book containing 50 tickets, each good for one ride between Fairport and the boundary line of the city of Rochester, either way, if used within 30 days from the day of sale, the sum of $4.38, and for the ride from any point in said city to the boundary line of the city, either way, and without transfers to any other line in said city, the sum of five cents, it is

Ordered: 1. That the Rochester, Syracuse and Eastern Railroad Company is hereby directed and required to place and keep on sale from and after the 15th day of June, 1909, commutation books containing 50 tickets, each good for one ride between Fairport and the boundary line of the city of Rochester, either way, if used within 30 days from the day of sale, for the price of $4.38.

Ordered: 2. That said Rochester, Syracuse and Eastern Railroad Company make, publish, and file a tariff accordingly, taking effect on said 15th day of June, 1909, the thirty days' requirement for notice and publication of such tariff being hereby dispensed with.

Ordered: 3. That this order shall take effect immediately upon the service of a certified copy thereof upon said Rochester, Syracuse and Eastern Railroad Company, and shall continue in force for three years from the date of said service unless earlier modified or abrogated by this Commission.

Ordered: 4. That within five days after the service upon it of a certified copy of this order, said Rochester, Syracuse and Eastern Railroad Company shall notify this Commission whether the terms of this order are accepted and will be obeyed by said company.

[Case No. 599]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of FRANK A. WILLIAMS AND OTHERS as to service during the winter months by Raquette Lake Railway Company at Eagle Bay station.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, in accordance with request of complainant's attorney.

[Case No. 238]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of WILLIAM NEFF of Brooklyn *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY.

After due deliberation it is

Ordered: That the complaint of William Neff of Brooklyn against New York, Ontario and Western Railway Company as to delay in passenger trains between Cornwall and Walton, be and hereby is closed on the records of the Commission, in accordance with the report of Inspector Brazee showing that the service now being furnished by said railway company is reasonably satisfactory.

[Case No. 915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF PAINTED POST *against* the ERIE RAILROAD COMPANY as to change in arriving time of morning mail train.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, village clerk advising that the rearrangement of schedule delivers mail two hours earlier than ever before.

[Case No. 920]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaints of the EAST CLINTON STREET BUSINESS MEN AND TAXPAYERS' ASSOCIATION and the EAST BUFFALO BUSINESS MEN'S ASSOCIATION *against* INTERNATIONAL RAILWAY COMPANY as to service rendered the public, particularly on the Clinton Street line in Buffalo.

After due deliberation it is

Ordered: That the matter of these complaints be and hereby is closed on the records of this Commission, the complaint having been withdrawn at hearing held at Buffalo, May 28, 1909.

[Case No. 921]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of J. H. LIMBERGER *against* INTERNATIONAL RAILWAY COMPANY as to service on the Utica belt line.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, the complaint having been withdrawn at hearing held at Buffalo, May 28, 1909.

[Case No. 250]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of BRYN MAWR PARK IMPROVEMENT ASSOCIATION OF YONKERS *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, New York and Putnam division.

Whereas, In the Matter of the Complaint of Bryn Mawr Park Improvement Association of Yonkers against The New York Central and Hudson River Railroad Company, New York and Putnam division, as to passenger train service, order was entered by this Commission on August 19, 1908, directing and requiring the respondent to continue train service on its said New York and Putnam division as established by its schedule of June 14, 1908, until the further order of the Commission, provided that the respondent resume the number of trains and number of stops without application to the Commission, and might also apply for modification of said order at any time; and

Whereas, On October 20, 1908, the Commission, upon petition of respondent, entered a further order granting certain modifications of said order of August 19, 1908, for the purpose of putting in force the winter time-table, and said order also provided that upon submission of the 1909 summer passenger schedule for said division, and approval thereof by the Commission, the respondent might apply for an order abrogating the said order of August 19, 1908, and any order modifying or amending the same; and

Whereas, The respondent has duly complied with said order and now presents its petition asking for approval of certain changes in its said last named schedule for said division with a view to establishing its summer time-table, and for abrogation of said orders of August 19 and October 20, 1908; and

Whereas, It appears generally from inspection of the proposed summer schedule for said division that the service therein provided as a whole is fully equal to the service provided on said division for the summer of 1908, and contains some additions thereto, and that such schedule should be hereby tentatively approved, subject however to complaint in relation thereto by any person or persons interested; and

Whereas, The schedule so covered by said order having been in operation to this date without complaint thereof to the Commission by any person, and it being considered appropriate that regulating orders issued to correct entire passenger train schedules upon lines or divisions of railroads shall cease to have application upon the rendition of reasonably adequate service during a proper period of time subsequent to the date when such orders became effective, to the end that such regulations shall not interfere unnecessarily with the management and operation of such lines or divisions; it is, upon due consideration,

Ordered: That the proposed changes in the existing schedule of respondent, The New York Central and Hudson River Railroad Company, in force upon its said New York and Putnam division as set forth in the petition and the copy of proposed schedule for the summer of 1909, to take effect June 20, 1909, thereto annexed, be and the same are hereby approved, subject however to complaint by any person or persons interested and to investigation and order in relation thereto.

It is further Ordered: That the said orders entered herein on August 19 and October 20, 1908, be and the same are hereby abrogated.

[Case No. 287]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaints of the RAILROAD IMPROVEMENT ASSOCIATION OF NYACK ET AL. *against* NYACK AND SOUTHERN RAILROAD COMPANY, NYACK AND NORTHERN RAILROAD COMPANY, NORTHERN RAILROAD COMPANY OF NEW JERSEY, and ERIE RAILROAD COMPANY.

After due deliberation it is

Ordered: That these complaints be closed on the records of this Commission, so far as said complaints relate to the operation of passenger trains, in accordance with the opinion of the Commission dated June 8, 1909.

[Case No. 362]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of W. S. TAYLOR, M. D., and E. BOOKHOUT of Pomona, Rockland county, *against* NEW JERSEY AND NEW YORK RAILROAD COMPANY as to passenger train service, condition of passenger cars, and stations.

After due deliberation it is

Ordered: That this complaint be closed on the records of this Commission, so far as said complaint relates to the operation of passenger trains.

[Case No. 689]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of W. H. PETERKIN AND OTHERS of Niagara Falls as to service rendered the public by the International Railway Company on its 18th and 19th Street lines in Niagara Falls.

After due deliberation it is

Ordered: That the above entitled complaint be and hereby is closed on the records of this Commission, the offer of the company to establish system of transfers between Niagara street and Buffalo avenue, both at Second strect and at Portage road, and to inaugurate series of car-signs on Niagara Street line, satisfactorily removing causes of complaint.

[Case No. 512]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JOHN W. BARRETT of Rochester as to the operation of the Rochester and Sodus Bay division of New York State Railways.

After due deliberation it is

Ordered: That the above entitled complaint be and it is hereby closed on the records of this Commission, complainant advising that the progress of the work of improvement and placing of new cars satisfactorily disposes of his cause of complaint.

[Case No. 949]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF WESTFIELD *against* THE CHAUTAUQUA TRACTION COMPANY, in relation to the operation on Portage street in that village.

After due deliberation it is

Ordered: That the complaint of residents of Westfield against The Chautauqua Traction Company, in relation to the operation on Portage street in that village, be and hereby is closed on the records of this Commission, complainants advising that the cause of complaint has been removed.

[Case No. 587]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DWIGHT S. MERVILLE ET AL. *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY as to inadequate passenger service between Silver Lake Junction and Salamanca.

Whereas, In the opinion of this Commission the service furnished by the Buffalo, Rochester and Pittsburgh Railway Company on its main line south of Silver Lake Junction is inadequate and unreasonable,

Ordered: 1. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby directed to improve the service between Silver Lake Junction and East Salamanca by providing for a train connecting with No. 16 for the north, and also a train connecting with No. 15 for the south, such service to be temporary unless made permanent by order of this Commission, and to continue at least six months beginning with Monday, August 23, 1909.

Ordered: 2. That said railroad company is hereby directed to furnish this Commission with monthly statements, showing the passenger receipts and the number of local passengers upon the trains hereby required to be run between East Salamanca and Silver Lake Junction.

Ordered: 3. That the opinion prepared by Commissioner Osborne in this case be approved and adopted as the opinion of this Commission.

[Case No. 1058]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of L. M. SWEET *against* THE CHAUTAUQUA TRACTION COMPANY as to alleged running of cars at Gifford Park, Lakewood, at dangerous speed, and failure to give signal of approach.

After due deliberation it is

Ordered: That the complaint of L. M. Sweet of Lakewood against The Chautauqua Traction Company as to alleged running of cars in Gifford Park, Lakewood, at dangerous speed, and failing to give signal of approach, be closed on the records of the Commission, complainant advising that order of company regulating such speed and signal service is satisfactory.

[Case No. 510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of NATHAN A. WARREN of Yonkers, N. Y., *against* THE YONKERS RAILROAD COMPANY AND LESLIE SUTHERLAND AS RECEIVER OF THE YONKERS RAILROAD COMPANY, and *against* UNION RAILWAY COMPANY OF NEW YORK CITY AND FREDERICK W. WHITRIDGE AS RECEIVER OF THE UNION RAILWAY COMPANY OF NEW YORK CITY, as to the discontinuance of through routes between the city of Yonkers and the city of New York over certain continuous lines of street railroads.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, there appearing to be no reason for further action by the Commission.

[Case No. 1233]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of WILLIAM J. FRAIR AND OTHERS *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to failure of trains to stop at Earlville.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said New York, Ontario and Western Railway Company, and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing within ten days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany and a copy of said answer shall be served by said company, either personally or by mail, upon William J. Frair, representing complainants, at his postoffice address, Lock Box 475, Earlville, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and said William J. Frair shall notify the Secretary of receipt of a copy of said answer.

[Case No. 188]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF WESTCHESTER AND PUTNAM COUNTIES as to non-operation of line of the Putnam and Westchester Traction Company in such counties.

After due deliberation it is

Ordered: That the complaint of residents of Westchester and Putnam counties as to non-operation of line of the Putnam and Westchester Traction Company in such counties, be and hereby is closed on the records of the Commission, the Commission having been advised that such line is now in operation.

[Case No. 708]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the COMMERCIAL TRAVELERS' ASSOCIATION OF THE CITY OF UTICA AND OTHERS *against* UTICA AND MOHAWK VALLEY RAILWAY COMPANY as to operating passenger cars after midnight.

Whereas, In the matter of the complaint of the Commercial Travelers' Benevolent Association of the city of Utica and others against the Utica and Mohawk Valley Railway Company, relative to operating passenger cars after midnight, a hearing was held at Utica August 26, 1909, at which both parties were represented; and

Whereas, The Utica and Mohawk Valley Railway Company stipulated at said hearing that the service would be increased during a period of three months from the date of said hearing as a trial; and

Whereas, Said trial of increased service was accepted as satisfactory by the complainants, who requested that the matter be held open by the Commission during said period; it is

Ordered: That said complaint is hereby held open until December 1, 1909, and shall then be closed upon the records of this Commission unless application is made by either party prior to that date requesting the continuance of the proceeding.

[Case No. 840]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of HENRY H. PERSONS AND OTHER RESIDENTS OF EAST AURORA as to passenger train service by The Pennsylvania Railroad Company at that station.

After due deliberation it is

Ordered: That the complaint of Henry H. Persons and other residents of East Aurora as to passenger train service by The Pennsylvania Railroad Company at that station, be and hereby is closed on the records of the Commission, the company advising that the present train service, which is satisfactory to complainants, will be continued.

[Case No. 126]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the MAYOR OF YONKERS *against* THE YONKERS RAILROAD COMPANY.

After due deliberation it is

Ordered: That the complaint of the Mayor of Yonkers against the Yonkers Railroad Company, as to service on the South Broadway line, be and hereby is closed on the records of this Commission, there appearing to be no reason for holding the matter open further.

[Case No. 1241]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

C. E. WHEATON *against* ELMIRA, CORNING AND WAVERLY RAILWAY.

This complaint and answer in this case having been duly filed, and hearing having been had and submitted at Waverly, N. Y., on the 8th day of September, 1909; and it appearing to the Commission that the respondent, Elmira, Corning and Waverly Railway, is charging a fare of 10 cents per passenger between Holbert's crossing, town of Chemung, and the eastern terminus of its line in Waverly, N. Y., a distance of about 3 1/7 miles, which is equal to 3 2/11 cents per mile, such fare applying also between Waverly and points west of Wilson's crossing intermediate to Holbert's crossing; and that it charges a fare of 5 cents westbound from Wilson's crossing to the west end of Chemung village, a distance of 2 4/5 miles; and that the said fare of 10 cents in either direction between Holbert's crossing and Waverly and intermediate points west of Wilson's crossing is unjust and unreasonable, and should not, to be just and reasonable, exceed 5 cents per passenger; but that in view of respondent's poor financial condition the order entered upon such determination should be limited in application to one year from the effective date, with the right remaining in respondent to apply and show cause for modification or abrogation of such order at any time;

Ordered: 1. That the respondent, Elmira, Corning and Waverly Railway, be and is hereby required to cease and desist on or before October 10, 1909, from charging and collecting its fare of 10 cents per passenger in either direction between Holbert's crossing and Waverly, N. Y., and between points east of Holbert's crossing and west of Wilson's crossing and Waverly afore-

said, and on and after said October 10, 1909, and that during a period of at least one year thereafter, said respondent shall charge and collect for the passenger service aforesaid a rate of fare not exceeding 5 cents per passenger;

2. That the respondent, Elmira, Corning and Waverly Railway, may apply and show cause to this Commission for modification or abrogation of this order at any time during the period it shall be in force.

[Case No. 587]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DWIGHT S. MERVILLE AND OTHERS *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY as to passenger train service.

After due deliberation it is

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company show cause before this Commission at the office of the Commission in the Capitol, Albany, on Wednesday, November 24, 1909, at 2 o'clock p. m., why an order of this Commission should not issue directing said company to make a better and closer connection of passenger trains at Silver Lake Junction, and why train No. 316 should not run through to Rochester, with a through car from Perry to be added to the train at Silver Lake Junction.

[Case No. 288]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE 11TH, 15TH, AND 20TH WARDS OF THE CITY OF ROCHESTER as to street car service by the Rochester Railway Company (New York State Railways) on its Allen and Jay Street line in said city.

Ordered: That the complaint of residents of the 11th, 15th, and 20th wards of the city of Rochester, as to street car service by the Rochester Railway Company on its Allen and Jay Street line in said city, be and hereby is closed on the records of this Commission, it being the opinion of the Commission that the cause of complaint therein has been reasonably removed.

[Case No. 1371]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of delays in the operation of train No. 114 on the Erie railroad, Buffalo and Southwestern division.

Order to show cause.

Whereas, It appears from reports upon file with this Commission that train No. 114, running upon the Buffalo and Southwestern division of the Erie railroad between Jamestown and Buffalo, has been late a very large number of times, and that during the month of August, 1909, it was late fifteen times, with a total delay in said fifteen days of 454 minutes, making an average delay of thirty minutes each of said days upon which it was delayed; and

Whereas, It appears that said train has ten scheduled stops between the city of Jamestown and the city of Buffalo, accommodating when upon time a large number of people; and

Whereas, It appears that the delay of said train in leaving Jamestown is largely occasioned by failure of the connecting train upon the Meadville division from the west to reach Jamestown on time;

Ordered: That the Erie Railroad Company be directed and required to show cause before this Commission at its hearing room in the Capitol in the city of Albany, N. Y., on Monday, the 13th day of December, 1909, at 2 o'clock in the afternoon, why it should not be ordered and required to run a train from Jamestown to Buffalo as a section of said No. 114, leaving Jamestown on time on the scheduled time of train 114 whenever its western connection is late twenty minutes or more after the regular scheduled departure, said section to stop at the regularly scheduled stops between Jamestown and Buffalo, to reach Buffalo at least 10 minutes before 1 o'clock in the afternoon.

[*See* Case No. 1371, page 353.]

[Case No. 1372]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of delays in the operation of train No. 8 on the Erie railroad.

Order to show cause.

Whereas, Train No. 8 upon the Erie railroad is an important train serving a large number of stations upon said railroad; and

Whereas, It appears by reports on file with this Commission that said train No. 8 has been habitually late, to the great discomfort and inconvenience of that portion of the public desiring to use said train; and

Whereas, It appears that said train during the month of August, 1909, was late twenty-two times upon the Allegheny division, the total delay in arriving

at the eastern terminus of said division being 1492 minutes, making an average delay for said twenty-two days of upwards of one hour and seven minutes for each delay;

Ordered: That the Erie Railroad Company show cause before this Commission at its hearing room in the Capitol in the city of Albany, N. Y., on Monday, the 13th day of December, 1909, at 2 o'clock in the afternoon, why it should not be ordered and required to start a train on time on the scheduled time of train No. 8 at Jamestown, in the county of Chautauqua, and run the same easterly upon its road as a section of said train No. 8, whenever the regular train No. 8 is late in arriving at Jamestown thirty minutes or more beyond its scheduled time, said section to run from Jamestown to Binghamton, stopping at all stations at which regular train 8 is scheduled to stop between the said cities of Jamestown and Binghamton.

[*See* Case No. 1372, page 354.]

[Case No. 1373]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of reports by the Erie Railroad Company of passenger train movements. **Order to show cause.**

Whereas, On or about the 16th day of March, 1908, this Commission did require of all steam railroad corporations subject to its supervision that they report to this Commission within thirty days after the end of each calendar month, all passenger train movements upon their respective roads for such month, with special reference to delays to passenger trains, and did pursuant to said requirement furnish to the Erie Railroad Company blanks for making such reports; and

Whereas, The said Erie Railroad Company has made reports pursuant to said requirement upon the said blanks to this Commission, for each and every month since said time, to and including the month of September, 1909; and

Whereas, Investigation by inspectors of this Commission has shown that certain of the reports of said corporation to this Commission, especially for the month of August, 1909, of the passenger train movements upon its said road, are grossly incorrect and misleading; and

Whereas, Reason exists for supposing that many other of the said train reports of said corporation are equally incorrect and misleading; and

Whereas, A special report given by the said corporation as to certain train movements discloses upon examination that the said special report is entirely inconsistent with the general reports aforesaid; now, upon consideration of the facts,

Ordered: That the Erie Railroad Company show cause before this Commission at its hearing room in the Capitol in the city of Albany, N. Y., on Monday, the 13th day of December, 1909, at 2 o'clock in the afternoon, why it should not be ordered and required to make and file with this Commission verified reports of all its passenger train movements, showing such matters as are required by the blank forms heretofore issued by this Commission, from the month of April, 1908, to the month of October, 1909, both inclusive, together with such other details of said movements as the Commission may prescribe additional to those contained in said blank report; and

Whereas, It appears that the failure of the said Erie Railroad Company to make reports in accordance with the foregoing order and requirement of the Commission was an intentional deviation on the part of some person or persons connected with the said corporation from the terms of the Commission's order and direction in the aforesaid matter, be it further

Ordered: That the said Erie Railroad Company further show cause at said time and place why this Commission should not bring suit against it for the penalties prescribed by section 56 of the Public Service Commissions Law, for each and every of the violations of the aforesaid order and direction and requirement for the making of said reports.

[*See* Case No. 1373, page 355.]

[Case No. 258]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of BUSINESS MEN'S ASSOCIATION OF AUBURN *against* LEHIGH VALLEY RAILROAD COMPANY, relative to passenger train service on branches of its railroad.

Whereas, Since the initiation of this proceeding the respondent has put in operation train schedules on the Auburn and North Fair Haven portion of the Lehigh and New York branch of its Auburn division, and also on the Ithaca branch of its Auburn division, which remove certain of the causes of the complaint herein; and

Whereas, The respondent has also submitted to this Commission certain proposed train schedules on the Lehigh and New York branch which it states it is ready to put into operation, and which are hereafter set forth in full in this order:

Ordered: 1. That the Lehigh Valley Railroad Company be and it is hereby directed to install upon the Lehigh and New York branch of its Auburn division a train schedule, so far as the same relates to trains between North Fair Haven and Freeville in the State of New York, substantially as follows (appropriate times of stopping at and leaving intermediate stations being inserted therein):

LEHIGH VALLEY RAILROAD.
L. & N. Y. SAYRE & NO. FAIR HAVEN.
Winter Schedule.

West			Stations	East		
PM	PM	PM	AM	AM	PM	PM
	4:20		7:10 Sayre	11:45	1:35	8:50
	6:15		9:05	9:35	10:55	6:45
	6:25	1:00	9:25 Freeville	9:25	10:35	6:25
	7:40	2:05	10:35	8:15	9:10	5:00
5:45			10:40 Auburn		8:25	4:55
6:55			11:50 No. Fair Haven		7:00	3:45
PM	PM	PM	AM	AM	PM	PM

E. & C. BRANCH.

West			Stations	East		
PM	PM	AM		PM	PM	PM
3:45		7:05	Elmira	12:00		8:50
5:53	12:35	9:01	Ithaca	10:00	12:15	6:48
6:11		9:20		9:35		6:25
6:35	12:55	9:30	Freeville	9:15	11:50	6:15
6:55	1:15	9:52	Cortland	8:52	11:30	5:55
8:55		11:53	Canastota	6:40		3:45
PM	PM	AM		AM	AM	PM

LEHIGH VALLEY RAILROAD

L. & N. Y. SAYRE & NO. FAIR HAVEN.

Summer Schedule.

West			Stations	East				
PM	PM	AM	AM		AM	PM	PM	PM
4:20			7:10	Sayre	11:45	1:35		8:50	
6:15			9:05		9:35	10:55		6:45	
6:25	1:00		9:25	Freeville	9:25	10:35		6:25	
7:40	2:05		10:35		8:15	9:10		5:00	
7:45	3:30	9:15		Auburn		8:25	12:10		8:45
8:55	4:40	10:25		No. Fair Haven..		7:00	11:00		7:30
PM	PM	AM	AM		AM	AM	AM	PM	PM

E. & C. BRANCH.

West			Stations	East		
PM	PM	AM		PM	PM	PM
3:45		7:05	Elmira	12:00		8:50
5:53	12:35	9:01	Ithaca	10:00	12:15	6:48
6:11		9:20		9:35	11:50	6:25
6:35	12:55	9:30	Freeville	9:15		6:15
6:55	1:15	9:52	Cortland	8:52	11:30	5:55
8:55		11:53	Canastota	6:40		3:45
PM	PM	AM		AM	AM	PM

Ordered: 2. That the said company is hereby directed to put the said winter schedule in operation on or before the 25th day of December, 1909; that the said company is hereby directed to put the said summer schedule in operation on June 1, 1910, and continue said summer schedule until October 1, 1910.

Ordered: 3. That the said company be and it is hereby directed to keep a record of the trains operated under both the summer and winter schedule, and report to this Commission on the 10th day of each month, beginning February 10, 1910, for the preceding calendar month, the number of persons riding upon each of said trains between all stations on said road between Freeville and North Fair Haven, both inclusive.

Ordered: 4. That this order is without prejudice to the right of the complainant to institute further proceedings for such additional trains as it may desire on said railroad.

[Case No. 1322]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF OCEANSIDE, Long Island, *against* THE LONG ISLAND RAILROAD COMPANY, asking that the company be directed to stop in the morning, passenger train No. 828 for Long Beach at Atlantic avenue, Oceanside station, on week days.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of Oceanside, Long Island, against The Long Island Railroad Company, relative to stopping of morning passenger train No. 828 for Long Beach at Atlantic avenue, be and hereby is closed, it appearing by letter from Rufus H. Smith dated December 13, 1909, and addressed to this Commission, that it will be agreeable to him to close the same.

[Case No. 1364]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DEWITT H. LYON as to car service of the New York and Stamford Railway Company on Westchester avenue, Port Chester, N. Y.

After due deliberation it is

Ordered: That the matter of the complaint of DeWitt H. Lyon as to car service of the New York and Stamford Railway Company on Westchester avenue, Port Chester, N. Y., be and hereby is closed, it appearing by letter from DeWitt H. Lyon dated December 13, 1909, and addressed to this Commission, that the matter complained of has been remedied to the satisfaction of the complainant.

[Case No. 960]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF SIDNEY AND OTHERS *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to passenger train service.

Whereas, Train 3, a westerly bound train upon the New York, Ontario and Western Railway, now terminates its run at Walton, and train 4, an easterly bound train upon said railroad, beginning its run at Walton; and

Whereas, A large number of the inhabitants of Sidney, a station upon the line of said New York, Ontario and Western Railway, have petitioned this Commission in substance that the run of train 3 be extended from Walton to Sidney, and that the run of train 4 commence at Sidney instead of Walton; and said petition has been served as a complaint upon said New York, Ontario and Western Railway Company which has made answer thereto; and

Whereas, A hearing has been held upon said complaint and answer, at which both the petitioners and the respondent, the New York, Ontario and Western Railway Company, have given evidence as to the accommodations afforded by the said respondent to the people of Sidney and other points along its line in going to Delhi, another station upon the line of the road of said respondent, and returning therefrom, the said Delhi being the county seat of the county of Delaware, in which the said village of Sidney is situate; and

Whereas, It appears to the satisfaction of the Commission that the respondent does not run its trains with sufficient frequency and at such reasonable and

proper times as to afford reasonable accommodation to the people of Sidney and other points along its line in going to and returning from said Delhi, the county seat of Delaware county; and

Whereas, It does not appear to the Commission that the expense to the said New York, Ontario and Western Railway Company, the respondent, of continuing the run of train 3 to Sidney, and beginning the run of train 4 at Sidney, will be so great when considered in connection with the receipts of said run as to make it unreasonable that the said trains should be operated in such manner; and

Whereas, It appears that the said runs would afford sufficient and reasonable accommodation to the people of Sidney and other points along the line of respondent between Sidney and Walton going to and returning from Delhi; now therefore

Ordered: That the New York, Ontario and Western Railway Company be and it is hereby ordered and required to continue the run of its said train No. 3 to Sidney, and to commence the run of its said train No. 4 at said Sidney; that the extension of said runs shall begin upon such day as the company may elect, within ten days after the service upon it of a certified copy of this order; that this order shall continue in effect for one year from the day the respondent shall extend the run of said trains in pursuance of the terms hereof; that the respondent shall within ten days after the service upon it of a certified copy of this order notify the Commission in the manner required by section 23 of the Public Service Commissions Law whether the terms of the order are accepted and will be obeyed; it is further

Ordered: That the said respondent, New York, Ontario and Western Railway Company, shall keep a record, in such form as it may deem appropriate, of the passenger travel upon said trains between Sidney and Walton and the stations intermediate to said Sidney and Walton, and so far as it may be able of the passenger travel between Sidney and Delhi, and shall report the same monthly, or at such other regular interval as it may elect, to this Commission, to the end that the Commission may determine whether or not it is reasonable that the runs of said trains 3 and 4 should be continued between Sidney and Walton after the expiration of one year.

[*See* Case No. 960, page 356.]

[Case No. 1233]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of WILLIAM J. FRAIR AND OTHERS *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to passenger train service at Earlville.

Whereas, On December 3, 1909, this Commission addressed a communication to William J. Frair, representing complainants, in the matter of the complaint of William J. Frair and others against the New York, Ontario and Western Railway Company as to passenger train service at Earlville, asking if he desired a public hearing in the matter, and stating that unless he so advised

this Commission within two weeks from date it would be assumed that the complaint had been disposed of to his satisfaction; and

Whereas, Two weeks having elapsed and no further communication has been received from William J. Frair, representing complainants herein;

Ordered: That the matter of the complaint in the above entitled matter be and the same hereby is closed upon the records of the Commission.

[Case No. 1371]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of delays in the operation of train No. 114 on the Erie railroad, Buffalo and Southwestern division.

Whereas, It has appeared to this Commission by reports of the Erie Railroad Company, and otherwise, that train 114 operated by said company between Jamestown and Buffalo has been frequently late upon its line, owing to the fact that it was delayed in starting beyond its regularly scheduled time from Jamestown; and

Whereas, A hearing was had upon the motion of the Commission, at its hearing room in the Capitol in the city of Albany on the 13th day of December, 1909, at which time the said Erie Railroad Company was required to show cause why said train No. 114 should not start from Jamestown upon its regularly scheduled time; and

Whereas, At said hearing the Erie Railroad Company appeared by *H. A. Taylor, esq.*, its attorney, and by its vice-president, *J. C. Stuart*, and the said company did, through its said representatives, admit that it was reasonable to require said train 114 to start upon its run from Jamestown to Buffalo upon the regularly scheduled time; and

Whereas, It satisfactorily appears to the Commission that the delays in starting said train have been unreasonable, and that by reason of such delays said train has not reasonably accommodated and served the public between Jamestown and Buffalo; now therefore

Ordered: 1. That the said Erie Railroad Company be and it is hereby required to start its said train 114 from Jamestown upon its run to Buffalo, upon its regularly scheduled time each and every day.

Ordered: 2. That this order shall continue in force for a period of two years from its date unless earlier modified or abrogated by this Commission.

Ordered: 3. That this order shall take effect forthwith upon the service of a certified copy of the same upon the Erie Railroad Company, and said company is hereby required to notify this Commission forthwith, in the manner required by section 23 of the Public Service Commissions Law, whether the terms of the order are accepted and will be obeyed.

[*See* Case No. 1371, page 347.]

[Case No. 1372]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of delays in the operation of train No. 8 on the Erie railroad.

Whereas, Upon information received by it from the reports of the Erie Railroad Company, and otherwise, this Commission did upon its own motion order a public hearing to be held at its hearing room in the Capitol in the city of Albany on Monday, the 13th day of December, 1909, at which hearing the Erie Railroad Company was ordered and required to show cause why it should not, whenever train No. 8, a passenger train operated by it upon its railroad upon the Meadville and Allegheny divisions, was late thirty minutes or more, run an extra train 8 upon time, from Jamestown upon the Meadville division eastward upon its said road; and

Whereas, Said hearing was had, at which hearing the said Erie Railroad Company appeared by its attorney, *H. A. Taylor, esq.,* and by its vice-president, *J. C. Stuart,* at which hearing it was admitted by the said Erie Railroad Company, through its aforesaid representatives, that owing to the frequent delays of said train 8 the passengers upon the line of its said road from Jamestown east as far as Hornell were not properly served by said train whenever the same was late, and that it was proper that this Commission should require additional service whenever said train was late forty-five minutes or more; and

Whereas, It satisfactorily appears to this Commission that the said train 8 is and has been very frequently late in arriving at and departing from Jamestown upon the Meadville division more than one hour, that the delay of said train occasions great inconvenience and annoyance to the patrons of said road from Jamestown east to Hornell, that a reasonable and satisfactory service requires that whenever train 8 is thirty minutes or more late in arriving at Jamestown the said railroad company should run and operate from Jamestown east upon its said road to Hornell an extra of said train 8, said extra leaving Jamestown on the regularly scheduled time; now therefore

Ordered: 1. That said Erie Railroad Company be and it is hereby ordered and required, whenever train 8 upon its said road will be late in arriving at Jamestown from the west thirty minutes or more, to run and operate from said Jamestown eastward to Hornell an extra of said train 8, equipped with at least two first-class passenger coaches and a baggage car, said extra to start from Jamestown upon the regularly scheduled time of train 8 as the same may be from time to time scheduled.

Ordered: 2. That this order shall take effect immediately upon the service of a certified copy of the same upon the Erie Railroad Company, and shall continue in force for a period of two years unless earlier modified or abrogated by this Commission.

Ordered: 3. That within five days after the service of a certified copy of this order upon the Erie Railroad Company, said company shall notify this Commission, in the manner required by section 23 of the Public Service Commissions Law, whether the terms of the order are accepted and will be obeyed.

[*See* Case No. 1372, page 347.]

[Case No. 1373]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of reports by the ERIE RAILROAD COMPANY of passenger train movements.

After due deliberation it is

Ordered: That the Erie Railroad Company be and hereby is required to furnish this Commission at a date not later than February 1, 1910, correct and complete train movement reports (Form No. 83) for the period beginning with the month of April, 1908, and for each month thereafter to and including the month of October, 1909, for each of the following divisions: Allegheny, Buffalo, Buffalo and South Western, Delaware, Meadville, New Jersey and New York, New York, Northern Railroad of New Jersey, Rochester, Susquehanna, New York, Susquehanna and Western, Niagara Falls Branch; these reports to be compiled in accordance with the directions for reporting as outlined on train movement report (Form No. 83), and the reports so filed are to be verified as to their correctness and completeness by the person compiling the report from the dispatchers' daily train sheets on record.

[*See* Case No. 1373, page 348.]

[Case No. 787]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CAZENOVIA DISTRICT BUSINESS MEN'S AND TAXPAYERS' ASSOCIATION, by WILLIAM JAEGER ET AL., *against* INTERNATIONAL RAILWAY COMPANY as to service on Cazenovia-Abbott Road and South Park lines.

In the above entitled matter, after due deliberation, it is

Ordered: 1. That the International Railway Company is hereby directed to install upon its Cazenovia line a ten-minute service between the junction of Seneca and Cazenovia streets and Abbott and Triangle streets, between the hours of 5:30 a. m. and 12 midnight;

Ordered: 2. That the details of such schedule shall be left to the respondent to arrange in the first instance;

Ordered: 3. That such service be begun on the 1st day of January, 1910, and to continue until the 1st day of July, 1910, at which time the respondent shall be at liberty to ask for a discontinuance of the same on a proper case being made from the figures of actual travel during the six months named.

[*See* Case No. 787, page 356.]

[Case No. 960]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF SIDNEY AND OTHERS *against* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to passenger train service.

Whereas, An order of this Commission was made herein on the 16th day of December, 1909, directing that the respondent give certain train service named therein; and

Whereas, It is stated to the Commission by John B. Kerr, attorney for the respondent, that the respondent desires to make an application for a rehearing herein, and further desires an extension of time in which the said order shall go into effect; therefore it is

Ordered: That the order of the Commission herein made on the 16th day of December, 1909, be modified in the following particulars: to wit, on page 2 of the said order, on line 28, where the same reads as follows: "that the extension of said runs shall begin upon such day as the company may elect within ten days after the service upon it of a certified copy of this order," the order be made to read as follows: "that the extension of said runs shall begin upon such day as the company may elect on or before the 15th day of January, 1910";

It is further Ordered: That in all other respects and particulars the order stand as originally issued.

[*See* Case No. 960, page 352.]

[Case No. 787]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CAZENOVIA DISTRICT BUSINESS MEN'S AND TAXPAYERS' ASSOCIATION, by WILLIAM JAEGER ET AL., *against* INTERNATIONAL RAILWAY COMPANY as to service on Cazenovia-Abbott Road and South Park lines.

Whereas, An order of this Commission issued on the 23rd day of December, 1909, ordering certain service on the railway of the respondent in the city of Buffalo; and

Whereas, By the terms of said order said ten-minute service was to begin at the hour of 5:30 a. m.; and

Whereas, The respondent has requested a modification of said order that the hour of 5:30 a. m. be made 6 a. m., and has also requested that the order be not put into operation until the 10th day of January, 1910, on the ground that it desires further time to arrange its schedule of operations; it is

Ordered: That the order of this Commission dated the 23rd day of December, 1909, be modified to read as follows: "In the above entitled matter, after due deliberation, it is *ordered:* 1. That the International Railway Company is hereby directed to install upon its Cazenovia line a ten-minute service between the junction of Seneca and Cazenovia streets and Abbott and Triangle streets between the hours of 6 a. m. and 12 midnight. 2. The details of such schedule shall be left to the respondent to arrange in the first instance. 3. That such service be begun on the 10th day of January, 1910, and to continue until the 1st day of July, 1910, at which time the respondent shall be at liberty to ask for a discontinuance of the same on a proper case being made from the figures of actual travel during the six months named."

[*See* Case No. 787, page 355.]

[Case No. 1378]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of H. E. HEIDENREICH *against* FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY in regard to the running of cars to and from Schenectady and points along the line of the road.

After due deliberation it is

Ordered: That the matter of the complaint of H. E. Heidenreich against the Fonda, Johnstown and Gloversville Railroad Company in regard to the running of cars to and from Schenectady and points along the line of the road, be and hereby is closed upon the records of this Commission, it appearing by letter of H. E. Heidenreich dated December 28, 1909, and addressed to this Commission, that the answer to the complaint as made by the respondent fully satisfies the complainant.

APPENDIX H

In the Matter of Station Buildings and Conditions at Stations.

APPENDIX II

[Case No. 431]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE TOWNS OF KORTRIGHT, DAVENPORT, AND HARPERSFIELD, Delaware county, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY, asking that a new passenger and freight station building be constructed at the Kortright station.

Whereas, In the matter of the complaint of residents of Kortright and other towns against The Ulster and Delaware Railroad Company concerning its station building at Kortright, at the hearing on the 9th day of September, 1908, said company was directed to prepare and submit to this Commission plans for a new station building at said place; and

Whereas, The company has complied with said direction and submitted blue-print plans which have been submitted to the committee in charge of the case for the complainants, approved by them in a written communication to this Commission, and have been approved by this Commission by resolution adopted December 29, 1908; and

Whereas, In the judgment of this Commission such new station is reasonably required in order to secure adequate service and facilities for the transportation of freight and passengers at said Kortright; therefore

Ordered: 1. That pursuant to the provisions of section 50 of the Public Service Commissions Law, the said The Ulster and Delaware Railroad Company is hereby required and directed to construct at Kortright a new passenger and freight station in accordance with said plans and specifications therefor submitted and approved as aforesaid.

Ordered: 2. That said company is hereby required and directed to commence the construction of said station with all reasonable dispatch and to have the same completed on or before the 1st day of June, 1909.

Ordered: 3. That this order shall take effect at once and continue in force until fully complied with.

Ordered: 4. That said company is hereby required to notify this Commission within ten days after the service upon it of a certified copy of this order whether the terms of this order are accepted and will be obeyed.

[Case No. 444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE VILLAGE OF SANDY HILL *against* THE DELAWARE AND HUDSON COMPANY as to passenger station.

In the above entitled matter, after due deliberation, it is

Ordered: 1. That the plans for a new passenger station on the railroad operated by The Delaware and Hudson Company at Sandy Hill, submitted to this Commission by said company on November 20, 1908, be and are hereby approved.

Ordered: 2. That The Delaware and Hudson Company be and is hereby directed to commence at once the construction of said passenger station in accordance with said plans and specifications, and progress the same as rapidly as practicable, and that such station be completed on or before October 1, 1909.

Ordered: 3. That this order shall take effect at once and continue in force until said new station is completed or this order is modified by this Commission.

[*See* Case No. 444, page 371.]

[Case No. 189]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the BOARD OF MANAGERS OF THE GOWANDA STATE HOMEOPATHIC HOSPITAL *against* ERIE RAILROAD COMPANY as to station at Collins, Erie county.

After due deliberation it is

Ordered: 1. That the plans, elevations, and specifications for a new passenger station at Collins, Erie county, submitted to this Commission by the Erie Railroad Company on the 19th day of November, 1908, pursuant to an order of this Commission made and dated the 21st day of October, 1908, be and the same hereby are approved.

Ordered: 2. That the said Erie Railroad Company be and it is hereby directed and required to erect a new passenger station at Collins in the county of Erie in accordance with the said plans, drawings, and specifications, the work of construction and erection to be commenced as soon as practicable

and to be continued with all reasonable diligence, said construction and erection to be completed not later than the 1st day of August, 1909.

Ordered: 3. That this order shall take effect at once and shall continue in force until otherwise ordered by this Commission and until the work of construction and erection of said passenger station be complete.

Ordered: 4. That said company is hereby required to notify this Commission within ten days after the service upon it of a certified copy of this order whether the terms of this order are accepted and will be obeyed.

[Case No. 706]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of T. J. WHITNEY, M. D., HEALTH OFFICER TOWN OF CARROLL, Chautauqua county, *against* WARREN AND JAMESTOWN STREET RAILWAY COMPANY as to lack of toilet facilities at the waiting room of said company at Frewsburg.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, the company having reasonably remedied the conditions complained of.

[Case No. 654]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of HAMBURG BUSINESS MEN'S CLUB *against* ERIE RAILROAD COMPANY as to the station of said company at Hamburg, Erie county.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, satisfactory adjustment having been made at hearing held at Buffalo, May 21, 1909.

[Case No. 682]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE TOWN OF SHERIDAN, Chautauqua county, *against* PENNSYLVANIA RAILROAD COMPANY, asking that a station building and platform be erected and maintained at Sheridan station.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, satisfactory adjustment of matters in dispute having been made at hearing held at Buffalo, May 21, 1909.

[Case No. 857]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF PINE BUSH, N. Y., as to service and accommodations of the Erie Railroad Company at that station.

After due deliberation it is

Ordered: That this complaint be and hereby is closed on the records of this Commission, complainants having advised that train service has improved to their satisfaction and assurances have been received from the company that the station will be improved.

[Case No. 861]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF OSSINING as to station shelter at Philipse Manor on the New York Central and Hudson River railroad.

After due deliberation it is

Ordered: That this complaint be and it is hereby closed on the records of this Commission, attorney for complainants advising that the offer of the company to construct suitable station satisfactorily disposes of the complaint.

[Case No. 776]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE VILLAGE OF GENESEO, Livingston county, *against* ERIE RAILROAD COMPANY as to the condition of the passenger station of said company in said village.

Residents of the village of Geneseo, Livingston county, having on March 8, 1909, filed with this Commission a complaint that the passenger station and its appurtenances of the Erie Railroad Company in said village are in dilapidated condition, and asking this Commission to order that the matters complained of be remedied; and the railroad company having answered said complaint; and a public hearing having been held by this Commission in the city of Rochester on June 10th, *Frank K. Cook* appearing for complainants and *H. A. Taylor* appearing for the railroad company; and the railroad company having admitted in its answer that the station should be improved; now upon the aforesaid complaint, answer, and hearing, and stipulation made by said company and approved by the attorney for the complainants, and after due deliberation, it is

Ordered: 1. That the Erie Railroad Company be and it is hereby directed to make the following improvements to and about its passenger station building in the village of Geneseo, Livingston county: *a*, the station building shall be raised sufficiently to provided for adequate drainage; *b*, a suitable covered platform approximately eight feet by twenty-four feet shall be constructed at the east end (railroad direction) of the present station, for the convenience of patrons during inclement weather; *c*, the station building shall be provided with a suitable new floor; *d*, the station building and its immediate surroundings shall be lighted by gas or electric light; *e*, the present toilet

facilities in the station building shall be suitably maintained and kept in sanitary condition; *f*, a concrete platform of suitable width shall be built entirely around the station building and connected therewith; *g*, said building shall be painted both on the interior and exterior.

Ordered: 2. That these improvements shall be commenced not later than August 16, 1909, and shall be completed not later than October 1, 1909.

Ordered: 3. That this order shall take effect on the service of a certified copy thereof upon the Erie Railroad Company, and shall continue in force until the said improvements are completed in accordance with the terms of this order.

Ordered: 4. That the Erie Railroad Company shall notify this Commission within five days after the service upon it of a certified copy of this order whether the terms of this order are accepted and will be obeyed by it.

[Case No. 683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF MILTON *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, alleging inadequate station accommodations at Milton on the West Shore railroad.

Whereas, In the matter of the complaint of residents of Milton against The New York Central and Hudson River Railroad Company, alleging inadequate station accommodations at Milton on the West Shore railroad, it is conceded by the answer of the respondent that the passenger station accommodations provided by it at said station are inadequate and improper, and a plan for improvement of the present station was filed with said answer; and

Whereas, It appears from the complaint in this case that the remedy desired by complainants is a passenger station separate and apart from the building now used as a combined freight and passenger station, but that the evidence shows that the present station building can be remodeled or changed and extended to provide safe, adequate, and proper accommodations for passengers and for freight and express at Milton; and while the Commission is of the opinion that a separate passenger station would be an appropriate improvement, desirable from the viewpoint of attractiveness and an artistic addition to the company's property at that point, and that this would be in line with the general plan of having separate freight and passenger stations at other important station points upon the West Shore railroad, the Commission is not satisfied under all the circumstances that it can reasonably exercise its authority to that extent in this case; and

Whereas, The respondent has since the hearing in this case presented another and an improved and extended plan for the remodeling of the present station, on which are shown ample and separate ground level waiting rooms for the use of men and women passengers, with separate toilet accommodations for each, with entrances at the track front and rear of the passenger end of the station building, and with easy access afforded to the freight room and platform; and

Whereas, It appears that the said plan should be approved, except that a concrete platform should be provided for at the track front of the passenger

end of the station extending the length thereof, and that a platform or walk should also be provided at the rear entrance to the passenger end of the station extending the length thereof; and

Whereas, It appears from the evidence in this case that the agent is not in attendance at the ticket office of the Milton station for the purpose of selling tickets to passengers after 6 o'clock p. m., although trains arrive and depart therefrom subsequent to that hour, and at times the said agent does not sell tickets for other trains; it is

Ordered: 1. That the respondent, The New York Central and Hudson River Railroad Company, be and it is hereby required to remodel and improve its station at Milton on the West Shore railroad in accordance with the plan in relation thereto filed with the Commission on the 9th day of July, 1909, by P. E. Crowley, its assistant general manager, except that in addition thereto there shall be provided concrete platforms at the front and rear of the part of said station devoted on such plan to the use and accommodation of passengers, the front platform extending in width from the track to the station, and that all of the work in connection with said station improvement, as hereby required, shall be fully completed on or before the 1st day of October, 1909.

Ordered: 2. That the respondent, The New York Central and Hudson River Railroad Company, be and it is hereby required to keep its ticket office in said station open for the sale of tickets by the agent a sufficient time before the arrival and departure of all trains scheduled to stop at Milton, regularly or on signal, to accommodate all passengers.

Ordered: 3. That this order shall take effect on July 21, 1909, and shall continue in force until the said improvements are completed in accordance with the terms of this order and until modified or abrogated by this Commission.

[*See* Case No. 683, two orders, page 372.]

[Case No. 1042]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the LEHIGH VALLEY RAILROAD COMPANY as to its passenger station at Freeville.

After due deliberation it is

Ordered: That the request of the Lehigh Valley Railroad Company to this Commission for its approval of the location and plans of the proposed new passenger station at Freeville be granted, and such location and plans as submitted be and they are hereby approved;

Ordered: Also, that the consent of this Commission, under section 34 of the Railroad Law for the discontinuance of the present Lehigh Valley railroad passenger station at Freeville, be and it is hereby given, to take effect upon the completion of the new station.

[Cases Nos. 707, 726]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF MARION *against* NEWARK AND MARION RAILWAY COMPANY, asking that said company stop its passenger cars and trains at the Mill Street crossing in said village, and erect and maintain a shelter station at said crossing.

In the Matter of the Complaint of RESIDENTS OF MILL STREET AND VICINITY, IN THE VILLAGE OF MARION, Wayne county, *against* NEWARK AND MARION RAILWAY COMPANY, asking that cars of said company stop at the Mill Street crossing for the accommodation of passengers, and that the company erect a shelter station at said point.

Complaint having been made and filed by Frank J. Rich and others, residents of the village of Marion, on January 25, 1909, against Newark and Marion Railway Company, asking that said company stop its passenger cars and trains at the Mill Street crossing in said village, and erect and maintain a shelter station at said crossing; and a further complaint asking for similar relief having been made and filed by Charles M. Rich and others, residents and property owners on Mill street in said village of Marion, on the 5th day of February, 1909; and said company having filed with this Commission its answer thereto; and the matters involved herein having been duly heard together at a hearing held at the Chamber of Commerce, Rochester, N. Y., June 10, 1909, *Everett O. Gibbs* appearing for the complainants and *Nottingham & Nottingham* by *Nathan Abelson* appearing for Newark and Marion Railway Company; now after hearing evidence, and upon due deliberation, it is

Ordered: 1. That the Newark and Marion Railway Company stop all of its passenger trains on signal at its crossing of the highway known as Mill street, in the village of Marion, N. Y.

Ordered: 2. That Newark and Marion Railway Company provide such facilities for the alighting and embarking of passengers at that point as safety requires.

Ordered: 3. That this order shall take effect on the 23rd day of August, 1909, and shall continue in force until modified or abrogated by this Commission; and it is further

Ordered: That that part of the petition herein which asks for the erection of a shelter at said crossing be and it is hereby denied.

[Case No. 686]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF LILY DALE, Chautauqua county, N. Y., *against* THE LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY COMPANY, operating the Dunkirk, Allegheny Valley and Pittsburgh railroad, as to there not being an agent in charge of the Lily Dale station of the Dunkirk, Allegheny Valley and Pittsburgh railroad.

Complaint having been filed with this Commission on the 14th day of January, 1909, by Benjamin Luce and others against The Lake Shore and Michigan Southern Railway Company, operating the Dunkirk, Allegheny Valley and Pittsburgh railroad, as to there not being an agent in charge of the Lily Dale station on the line of the Dunkirk, Allegheny Valley and Pittsburgh railroad; and said company having filed its answer with this Commission; and a hearing having been held at Buffalo on the 26th day of March, 1909, *J. L. Sullivan* appearing for the complainants and *F. J. Jerome* appearing for The Lake Shore and Michigan Southern Railway Company, operating the Dunkirk, Allegheny Valley and Pittsburgh railroad; now after hearing evidence, and reading and filing briefs of counsel, upon due deliberation, it being in the opinion of this Commission reasonable and proper that an agent should be maintained at said station during the entire year, it is

Ordered: That The Lake Shore and Michigan Southern Railway Company, operating the Dunkirk, Allegheny Valley and Pittsburgh railroad, maintain at Lily Dale station on said last named railroad, until the further order of this Commission, a permanent agent. It is further

Ordered: That this order shall take effect at once and shall continue in force until modified or abrogated by this Commission.

[Case No. 1083]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF MONSEY, Rockland county, N. Y., *against* ERIE RAILROAD COMPANY as to inadequacy of the station and freight buildings at Monsey, N. Y.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said Erie Railroad Company, and that the matters complained of be satisfied by said company,

or that the charges in said complaint be answered in writing within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon George A. Blauvelt, attorney for complainant, at his postoffice address, 147 Nassau street, borough of Manhattan, city of New York; that proof of such service shall be filed with the Secretary of this Commission, and said attorney for complainant shall notify the Secretary of receipt of a copy of said answer.

[*See* Case No. 1083, page 376.]

[Case No. 1228]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE TOWN OF SULLIVAN, Madison county, *against* UTICA AND MOHAWK VALLEY RAILWAY COMPANY as to the condition of the passenger station known as Sullivan, on the West Shore railroad, on which railroad passenger cars of the Utica and Mohawk Valley Railway Company are operated, and as to the employment of an agent and the opening of a ticket office at said station.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said Utica and Mohawk Valley Railway Company, and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing by said company within twenty days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany, and a copy of said answer shall be served by said company, either personally or by mail, upon James Connell, representing complainants, at his postoffice address, Chittenango, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and complainants' representative shall notify the Secretary of receipt of a copy of said answer.

[Case No. 444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE VILLAGE OF SANDY HILL *against* THE DELAWARE AND HUDSON COMPANY as to passenger station.

Ordered: That the amended plans for the station at Sandy Hill, presented by The Delaware and Hudson Company, be and they are hereby approved; that the time for the completion of said station be and it is hereby extended from October 1, 1909, to December 31, 1909, the said company having presented satisfactory reasons for such extension of time.

[*See* Case No. 444, page 362.]

[Case No. 803]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PATRONS OF THE BUFFALO AND WILLIAMSVILLE ELECTRIC RAILWAY as to service rendered the public and lack of shelter station.

After due deliberation it is

Ordered: That the complaint of patrons of Buffalo and Williamsville Electric railway as to service rendered the public and lack of shelter station be and is hereby closed on the records of this Commission, attorneys for complainants advising at hearing at Buffalo on September 10, 1909, that the operation of a new schedule obviates the necessity of a shelter station.

[Case No. 683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF MILTON *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, alleging inadequate station accommodations at Milton on the West Shore railroad.

Modification as to time.

After due deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company for extension of time until November 15, 1909, to fully complete the improvement in station facilities at Milton, N. Y., heretofore required by order of the Commission to be completed by October 1, 1909, be and is hereby granted.

[*See* Case No. 683, page 366, and order next following.]

[Case No. 683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF MILTON *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, alleging inadequate station accommodations at Milton on the West Shore railroad.

Modification.

After due deliberation it is

Ordered: That the application of The New York Central and Hudson River Railroad Company for modifications of the order of the Commission of July 12, 1909, so that the attendance of ticket agent at the Milton station shall not be required upon the arrival of train No. 5, due at said station at 12:49 a. m., be and is hereby granted, it appearing from correspondence with Mr. C. M. Woolsey, attorney for complainants, that complainants have no objection thereto.

[*See* order preceding, and Case No. 683, page 366.]

[Case No. 560]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the STATE AGRICULTURAL AND INDUSTRIAL SCHOOL AT INDUSTRY, N. Y., as to inadequate station building of the Erie Railroad Company at Oatka.

After due deliberation it is

Ordered: That the complaint of the State Agricultural and Industrial School at Industry, N. Y., as to inadequate station building of the Erie Railroad Company at Oatka, be and hereby is closed upon the records of this Commission, Superintendent F. H. Briggs advising that the new depot which is now nearing completion is entirely satisfactory.

[Case No. 696]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the GOUVERNEUR CHAMBER OF COMMERCE *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to change in location of passenger station at Gouverneur.

After due deliberation it is

Ordered: That the complaint of the Gouverneur Chamber of Commerce against The New York Central and Hudson River Railroad Company, relative to change in location of passenger station at Gouverneur, be and hereby is closed on the records of the Commission, attorney for the complainant advising that the erection of a building for a passenger station by the defendant is progressing satisfactorily and that the case may be closed.

[Case No. 540]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of J. E. DANN as to station facilities of the Lehigh Valley Railroad Company at Honeoye Falls, N. Y.

After due deliberation it is

Ordered: That the complaint of J. E. Dann as to station facilities of the Lehigh Valley Railroad Company at Honeoye Falls, N. Y., be and hereby is closed on the records of this Commission, a new building having been erected by the company at that place.

[Case No. 1054]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PATRONS OF THE CHATHAM DIVISION OF THE RUTLAND RAILROAD *against* RUTLAND RAILROAD COMPANY as to passenger train service and lack of station buildings at West Lebanon and Center Lebanon.

Whereas, It appears to the Commission after a hearing in this case held on the 22nd day of September, 1909, and also from petitions filed by the patrons of the Chatham division of the Rutland Railroad Company, that the general public would be best accommodated by leaving the train service as it is at the present time: namely, that train No. 5 on said division should leave Chatham at 6:15 p. m.

Ordered: That that part of the complaint herein be and hereby is dismissed as not sustained. And

Whereas, The complaint contained also a charge that the station buildings, shelters, and accommodations on said Chatham division at West Lebanon and Center Lebanon were insufficient, and the passenger coaches unfit for service; and

Whereas, The respondent in its answer admitted the truth of these allegations and is taking steps to remedy the same; and

Whereas, On the hearing herein it was stated that the respondent would satisfactorily adjust these conditions;

Ordered: That the case be continued until the conditions complained of have been satisfactorily adjusted, permission being hereby given to the complainants to bring up the matter at any time.

[Case No. 862]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2d day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE TOWN OF BARKER, Broome county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

This case being at issue upon complaint and answer, and the matter having been duly heard and a full investigation having been had, it is

Ordered: That respondent, The Delaware, Lackawanna and Western Railroad Company, be and is hereby notified and required —

1. To erect within three months from the date hereof, that is to say prior to March 1, 1910, a suitable freight and passenger station at Barker, with freight room and passenger waiting room both inclosed, the passenger waiting room to be fitted with proper seats and heated during the cold months of the year, the said passenger waiting room to contain not less than one hundred and fifty square feet of floor space, and the freight room not less than eighty square feet of floor space; and said station to be also of sufficient size that in case an agent shall be hereafter required, room for the agent's office can be set off without interference with the necessary room for freight and passengers, or so constructed that the agent's office can be provided by a suitable addition thereto. There shall also be a concrete platform at least eight feet wide, extending across the front of the station, for the accommodation of the passengers and the handling of freight.

2. To conduct the said station at Barker as a prepaid station for incoming freight, and for receiving carload and less than carload freight at Barker to be transported over its line and billed as collect freight from either the adjoining station of Whitney's Point or the adjoining station of Chenango Forks as the direction the freight is carried may require.

3. To keep an accurate record of the freight destined to and received at Barker, and as far as practicable a record of the passenger traffic from Barker.

4. To submit for the approval of the Commission, within ten days after service of this order, a detailed plan of said station building in accordance with the requirements herein set forth.

It is further Ordered: That the determination herein shall be without prejudice to the right of the complainants or other persons interested to apply, by petition, after the expiration of one year from the erection of said station building, for an order directing respondent to maintain an agent at Barker station.

[Case No. 1083]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF MONSEY, Rockland county, N. Y., *against* ERIE RAILROAD COMPANY as to inadequacy of the station and freight buildings at Monsey, N. Y.

After due deliberation it is

Ordered: That the complaint of the residents of Monsey, Rockland county, N. Y., against the Erie Railroad Company, as to inadequacy of station and freight buildings at Monsey, N. Y., be and is hereby closed, the complainants having informed the Commission by letter dated December 8, 1909, that the construction of the station at Monsey has progressed to such an extent as to satisfy the complainants.

[*See* Case No. 1083, page 369.]

[Case No. 1335]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of E. W. KEYES of Clay, Onondaga county, N. Y., *against* SYRACUSE AND SOUTH BAY ELECTRIC RAILROAD COMPANY, alleging that a shelter station for passengers should be constructed at Stop No. 9 on said company's railway.

After due deliberation it is

Ordered: That the case of E. W. Keyes of Clay, Onondaga county, N. Y., against the Syracuse and South Bay Electric Railroad Company, alleging that a shelter station for passengers should be constructed at Stop No. 9 on said company's railroad, be and is hereby closed, with leave to reopen the same on or after July 1, 1910, upon the failure of the Syracuse and South Bay Electric Railroad Company to erect said shelter, it appearing from the letter of E. W. Keyes dated December 10, 1909, that such a disposition of the case is satisfactory to the complainant.

[Case No. 1298]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF SOUTH HARTWICK, Otsego county, *against* OTSEGO AND HERKIMER RAILROAD COMPANY as to the station on said railroad at said point.

After due deliberation it is

Ordered: That the matter of the complaint of the residents of South Hartwick, Otsego county, N. Y., against the Otsego and Herkimer Railroad Company as to station on said railroad, be and hereby is closed upon the records of this Commission, it appearing by letter dated December 20, 1909, from Honorable A. L. Kellogg, attorney for the complainants, and by reference to a communication dated December 10, 1909, from Joseph K. Choate to P. C. Smith, as representative of complainants, that the Otsego and Herkimer railroad has made arrangements which are satisfactory to all parties concerned in the above mentioned proceedings.

APPENDIX I

In the Matter of Reparation for Excess Charges by Railroad Corporations.

APPENDIX I

[Case No. 672] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

BROOKLYN COOPERAGE COMPANY, Complainant, *v.* NEW YORK AND OTTAWA RAILWAY COMPANY, Respondent. — Authority to refund $47.36.

Upon a shipment made on November 25, 1907, of two carloads of railroad ties over the New York and Ottawa railway from St. Regis Falls to Meno within this State, the respondent, New York and Ottawa Railway Company, charged complainant, Brooklyn Cooperage Company, for the transportation of said carloads of railroad ties the sum of $61.20, the same being at the rate of 9 cents per hundred pounds upon an aggregate weight of 68,000 pounds. Such charge was made in accordance with sixth-class rate as contained in respondent's local freight tariff No. 553, P. S. C., 2 N. Y., No. 5. On April 10, 1907, respondent established a commodity rate of 2 cents per tie on such traffic, carloads, from said point of shipment to destination, as contained in respondent's special rate advice No. S-123, to cover the movement of about 3000 ties which were to be shipped from Meno to St. Regis Falls in the form of logs, to be manufactured into railroad ties at St. Regis Falls and re-shipped to Meno. This last named rate of 2 cents per tie was canceled by respondent on September 4, 1907, without previously ascertaining whether the entire quantity of 3000 railroad ties, for which the rate was primarily established, had been transported. Said shipment of November 25, 1907, consisted of 692 ties, and complainant was erroneously charged therefor at the rate of 2 cents per tie, which charge was subsequently corrected by respondent to the basis of 9 cents per hundred pounds, which was the only effective rate on the date mentioned. Effective December 27, 1908, respondent reëstablished a rate of 2 cents per tie on said commodity, carloads, minimum 250 ties to a car, from St. Regis Falls to Meno, as appears by its tariff No. 880, P. S. C., 2 N. Y., No. 108, filed with the Commission November 24, 1908. Complainant claims, and respondent admits, that the rate of 9 cents per hundred pounds was excessive, and respondent further admits that the rate of 2 cents per tie, carloads, minimum 250 ties, which was made effective on December 27, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $61.20, the sum charged upon said shipment, and $13.84, the sum produced by a rate of 2 cents per tie upon a shipment of 692 ties, that is to say, $47.36, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Brooklyn Cooperage Company, is entitled to have the sum of $47.36 deducted from and as reparation for and on account of said unjust and unreasonable charge of $61.20 imposed by respondent for transportation of the shipment aforesaid.

[Case No. 673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

VALLEY STONE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $158.17.

Upon a shipment made on June 4, 1908, of two carloads of crushed stone over the New York Central and Hudson River railroad from South Amsterdam to Stittville within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Valley Stone Company, for the transportation of said carloads of crushed stone the sum of $222.30, the same being at the sixth-class rate of 13 cents per hundred pounds upon an aggregate weight of 171,000 pounds. Such rate was charged in accordance with respondent's tariff P. S. C., 2 N. Y., No. 235, naming class rates effective September 19, 1905, filed with the Commission on September 25, 1907. Effective July 13, 1908, respondent established a rate of 75 cents per net ton on said commodity, carloads, minimum weight marked capacity of car, but not less than 40,000 lbs., from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 1009, filed with the Commission on June 11, 1908. Complainant claims, and respondent admits, that the rate of 13 cents per hundred pounds was excessive, and respondent further admits that the rate of 75 cents per net ton, carloads, minimum weight marked capacity of car, but not less than 40,000 lbs., which was made effective July 13, 1908, would be a just and reasonable charge applied to the shipment in question It appearing to the Commission that reparation to the extent of the difference between $222.30, the amount collected upon said shipment, and $64.13, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 171,000 pounds, that is to say, $158.17, should be allowed to complainant upon said shipment,

It is Ordered, that complainant, Valley Stone Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $158.17 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $222.30 for transportation of the shipment aforesaid.

[Case No. 674]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman.
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

STEWART-KERBAUGH-SHANLEY COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $547.69.

Upon shipments made on September 21 and 26, 1908, of six carloads of crushed stone over the New York Central and Hudson River railroad from

Solvay to Redwood within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Stewart-Kerbaugh-Shanley Company, for the transportation of said carloads of crushed stone the sum of $808.49, the same being at the rate of $3.10 per net ton upon an aggregate weight of 521,600 pounds. Such rate was charged in accordance with tariff of respondent P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Effective October 2, 1908, respondent, by special permission of this Commission and as shown by supplement No. 2 to its tariff P. S. C., 2 N. Y., No. 4236, established a rate of $1 per net ton on said commodity from said point of shipment to destination. Complainant claims, and respondent admits, that the rate of $3.10 per net ton was excessive, and respondent further admits that the rate of $1 per net ton which was made effective October 2, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $808.49, the amount collected upon said shipments, and $260.80, the sum produced by a rate of $1 per net ton upon an aggregate weight of $521,600 pounds, that is to say, $547.69, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Stewart-Kerbaugh-Shanley Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $547.69 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $808.49 for transportation of the shipments aforesaid.

[Case No. 679]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHNSTON & SON, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $195.66.

Upon shipments made on April 24, 28, and 30, 1908, of three carloads of woodpulp over the New York Central and Hudson River railroad from Port Leyden via Carthage to Harrisville within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, Johnston & Son, for the transportation of said carloads of woodpulp the sum of $304.36, the same being at the rate of 14 cents per hundred pounds upon an aggregate weight of 217,400 pounds. Such rate was charged in accordance with sixth-class rate applying on said commodity as contained in respondent's R., W. & O. joint freight tariff No. 7, P. S. C., 2 N. Y., No. 2916. At the time said shipments moved there was in effect on said commodity, carloads, a rate of 3 cents per hundred pounds applying from Port Leyden to Carthage as shown by respondent's tariff P. S. C., 2 N. Y., No. 3026, and a rate of 2 cents per hundred pounds, carloads, from Carthage to Harrisville as shown by respondent's tariff P. S. C., 2 N. Y., No. 1748, making a combination of commodity rates of 5 cents per hundred pounds. Effective June 10, 1908, respondent established a through rate on said commodity, carloads, from said point of shipment to destination, of 5 cents per hundred pounds, as shown by its tariff P. S. C., 2 N. Y., No. 3896, filed with the Commission May 9, 1908. Complainants claim, and respondent admits, that

the said rate of 14 cents per hundred pounds was excessive, and respondent further admits that the said through rate of 5 cents per hundred pounds which was made effective June 10, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $304.36, the amount collected upon said shipments, and $108.70, the sum produced by a rate of 5 cents per hundred pounds upon an aggregate weight of 217,400 pounds, that is to say, $195.66, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Johnston & Son, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $195.66 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $304.36 for transportation of the shipments aforesaid.

[Case No. 680]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

H. G. ANDERSON & COMPANY, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $9.88.

Upon a shipment made on August 10, 1908, of one carload of wheat over the New York Central and Hudson River railroad from Ransomville to Union Hill within this State, respondent, The New York Central and Hudson River Railroad Company, exacted from complainants, H. G. Anderson & Company, for the transportation of said carload of wheat the sum of $39.52, the same being at the rate of 8 cents per hundred pounds upon a carload weight of 49,400 pounds. Such rate of 8 cents per hundred pounds was charged in accordance with respondent's tariff A-10000, P. S. C., 2 N. Y., No. 4155. On the date when said shipment moved there was in effect a rate of 6 cents per hundred pounds on said commodity from Ransomville to Oswego, N. Y., as shown by supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 3004, Union Hill being intermediate thereto. Effective January 6, 1909, respondent, under special permission of the Commission No. 742, established a rate of 6 cents per hundred pounds on said commodity, carloads, minimum weights as shown in exceptions to Official Classification, applying from said point of shipment to destination, as shown by its tariff A-12352, P. S. C., 2 N. Y., No. 5116, filed with the Commission January 4, 1909. Complainants claim, and respondent admits, that said rate of 8 cents per hundred pounds was excessive, and respondent further admits that said rate of 6 cents per hundred pounds which was made effective January 6, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $39.52, the amount collected upon said shipment, and $29.64, the sum produced by a rate of 6 cents per hundred pounds upon a carload weight of 49,400 pounds, that is to say, $9.88, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, H. G. Anderson & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $9.88 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $39.52 for transportation of the shipment aforesaid.

[Case No. 709]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

McDERMOTT DAIRY COMPANY, Complainant, *v.* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Respondent. — Authority to refund $19.34.

Upon a shipment made on November 6, 1908, of one carload of ice over the New York, Ontario and Western railway from Port Jervis to Hamden within this State, respondent, New York, Ontario and Western Railway Company, charged complainant, McDermott Dairy Company, for the transportation of said carload of ice the sum of $88.98, the same being at the rate of $2.30 per net ton upon a carload weight of 77,375 pounds. Such rate was charged in accordance with sixth-class rate applying on said commodity as contained in respondent's tariff P. S. C., 2 N. Y., No. 509, effective June 1, 1903, filed with Commission September 25, 1907. Effective December 19, 1908, respondent established a commodity rate on ice, carloads, from said point of shipment to destination, of $1.80 per net ton, as shown by its tariff P. S. C., 2 N. Y., No. 1250, filed with the Commission November 18, 1908. Complainant claims, and respondent admits, that the said rate of $2.30 per net ton was excessive, and respondent further admits that the said rate of $1.80 per net ton which was made effective December 19, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $88.98, the amount collected upon said shipment, and $69.64, the sum produced by a rate of $1.80 per net ton upon a carload weight of 77,375 pounds, that is to say, $19.34, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, McDermott Dairy Company, is entitled to recover from respondent, New York, Ontario and Western Railway Company, the sum of $19.34 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $88.98 for transportation of the shipment aforesaid.

[Case No. 710]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

FITZPATRICK & WELLER, Complainants, *v.* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, Respondent. — Authority to refund $40.72.

Upon shipments made on October 8 and 30, 1908, of two carloads of heading bolts over the Buffalo, Rochester and Pittsburgh railway from

Eagle to Great Valley within this State, the respondent, Buffalo, Rochester and Pittsburgh Railway Company, charged complainants, Fitzpatrick & Weller, for the transportation of said carloads of heading bolts the sum of $75.18, the same being at the rate of 6 cents per hundred pounds upon an aggregate weight of 125,300 pounds. Such rate was charged in accordance with effective sixth-class rate applying on said commodity from said point of shipment to destination as contained in respondent's local merchandise tariff P. S. C., 2 N. Y., No. 53. On the dates on which said shipments moved respondent had in effect a rate of 55 cents per net ton on said commodity applying from Eagle to Salamanca, N. Y., Great Valley being intermediate thereto. Effective January 20, 1909, respondent established a commodity rate on heading bolts from said point of shipment to destination of 55 cents per net ton, as shown by supplement No. 6 to its local and joint tariff No. A-477, P. S. C., 2 N. Y., No. 258, filed with the Commission December 19, 1908. Complainants claim, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said rate of 55 cents per net ton which was made effective January 20, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $75.18, the amount collected upon said shipments, and $34.46, the sum produced by a rate of 55 cents per net ton upon an aggregate weight of 125,300 pounds, that is to say, $40.72, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Fitzpatrick & Weller, are entitled to recover from respondent, Buffalo, Rochester and Pittsburgh Railway Company, the sum of $40.72 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $75.18 for transportation of the shipments aforesaid.

[Case No. 711]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

A. ROBERSON & SON, Complainants, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent. — Authority to refund $7.70.

Upon a shipment on March 2, 1908, of one carload of lumber over the Delaware, Lackawanna and Western railroad from Cortland to Binghamton within this State, shipment originating at Cuyler, N. Y., on the Lehigh Valley railroad, respondent, The Delaware, Lackawanna and Western Railroad Company, charged complainants, A. Roberson & Son, for the transportation of said carload of lumber from Cortland to Binghamton aforesaid the sum of $33.88, the same being at the rate of 5½ cents per hundred pounds on a carload weight of 61,600 pounds. Such rate was charged in accordance with effective sixth-class rate applying on said commodity as contained in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907. At the time of said shipment the initial carrier, Lehigh Valley railroad, had no joint tariff of class or commodity rates in effect applying from Cuyler to Binghamton, but respondent had in effect a rate of 85 cents per net ton applying on local shipments only of said com-

modity, carloads, from Cortland to Binghamton aforesaid. Effective January 23, 1909, respondent established a commodity rate on lumber, carloads, between Cortland and Binghamton of 85 cents per net ton, which rate is applied as respondent's proportion of through rate from points beyond where no through rates are in force, as shown in its tariff P. S. C., 2 N. Y., No. 667, filed with the Commission December 23, 1908. Complainants claim, and respondent admits, that the said rate of 5½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 85 cents per net ton which was made effective January 23, 1909, would be a just and reasonable charge applied to the shipment in question from Cortland to Binghamton aforesaid. It appearing to the Commission that reparation to the extent of the difference between $33.88, the sum charged by respondent as its proportion upon said shipment, and $26.18, the sum produced by a rate of 85 cents per net ton upon a carload weight of 61,600 pounds, that is to say, $7.70, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, A. Roberson & Son, are entitled to have the sum of $7.70 deducted from said unjust and unreasonable charge of $33.88 imposed by respondent as its proportion for transportation of the shipment aforesaid.

[Case No. 712]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

SARATOGA COAL COMPANY, Complainant, *v.* BOSTON AND MAINE RAILROAD, Respondent. — Authority to refund $42.41.

Upon shipments made on May 19, 22, and June 6, 1908, of three carloads of coal dust and screenings over the Boston and Maine railroad from Saratoga to Mechanicville within this State, respondent, Boston and Maine Railroad, charged complainant, Saratoga Coal Company, for the transportation of said carloads of coal dust and screenings the sum of $99.60, the same being at the rate of 6 cents per hundred pounds upon respective carload weights of 40,000, 60,000 and 66,000 pounds, a total of 166,000 pounds. Such rate was charged in accordance with effective sixth-class rate on coal in respondent's exceptions to the official classification, P. S. C., 2 N. Y., No. 2, filed with the Commission September 12, 1907. It appears that some time previous to the dates on which said shipments moved, respondent had in effect a rate of 50 cents per gross ton, carloads, on said commodity from said point of shipment to destination, which rate was canceled before said shipments were transported. Effective January 11, 1909, respondent established a commodity rate of 75 cents per gross ton on coal screenings, minimum weight 20 gross tons, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 245, filed with the Commission December 8, 1908. Complainant claims, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said rate of 75 cents per gross ton which was made effective January 11, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $99.60, the amount collected upon said shipments, and $57.19, the sum produced by a rate of 75 cents per gross ton on minimum carload weight of 20 gross tons and upon respective

carload weights of 40,000, 60,000 and 66,000 pounds, that is to say, $42.41, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Saratoga Coal Company, is entitled to recover from respondent, Boston and Maine Railroad, the sum of $42.41 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $99.60 for transportation of the shipments aforesaid.

[Case No. 713]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CHARLES WOLCOTT, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent.

Authority to refund $35.

Upon shipments made on March 23, April 3, 6, and 11, 1908, of four carloads of manure over the Delaware, Lackawanna and Western railroad from Avoca and Kanona to Big Flats within this State, respondent, The Delaware, Lackawanna and Western Railroad Company, charged complainant, Charles Wolcott, for the transportation of said carloads of manure the sum of $75, the same being at the rate of 5 cents per hundred pounds upon an aggregate weight of 150,000 pounds. Such rate was charged in accordance with respondent's tariff P. S. C., 2 N. Y., No. 1, filed with this Commission September 20, 1907. Complainant alleges that on shipments of same commodity made prior to said dates respondent charged for the transportation thereof from and to said points a rate of 45 cents per net ton, and complainant's freight bills for the said shipments made in April, 1908, show a charge of 45 cents per net ton, which rate as noted on said freight bills respondent alleges was made through error. Effective November 18, 1908, respondent established a rate of 50 cents per net ton on manure, carloads, minimum weight 40,000 pounds, from Avoca to Big Flats, as shown by its tariff B 856, P. S. C., 2 N. Y., No. 617, filed with the Commission October 17, 1908. Effective January 8, 1909, respondent established a rate of 50 cents per net ton on manure, carloads, minimum weight 40,000 pounds, from Kanona to Big Flats, as shown by supplement No. 2 to its tariff B 856, P. S. C., 2 N. Y., No. 617, filed with the Commission January 6, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said rate of 50 cents per net ton on a minimum carload weight of 40,000 pounds which was made effective on November 18, 1908, from Avoca to Big Flats, and that the rate of 50 cents per net ton on a minimum carload weight of 40,000 pounds which was made effective on January 8, 1909, from Kanona to Big Flats, would be just and reasonable charges applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $75, the sum charged upon said shipments, and $40, the sum produced by a rate of 50 cents per net ton upon an aggregate minimum weight of 160,000 pounds, that is to say, $35, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Charles Wolcott, is entitled to have the sum of $35 deducted from said unjust and unreasonable charge of $75 imposed by respondent for transportation of the shipments aforesaid.

[Case No. 714]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HINCKLEY FIBRE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $32.64.

Upon a returned shipment of one carload of woodpulp transported on November 13, 1907, from Little Falls to Hinckley within this State, over the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Hinckley Fibre Company, for the transportation of said carload of woodpulp the sum of $65.28, the same being at the rate of 12 cents per hundred pounds upon a carload weight of 54,400 pounds. Such rate was charged in accordance with effective sixth-class rate applying on said commodity from Little Falls to Hinckley aforesaid as contained in respondent's tariff P. S. C., 2 N. Y., No. 2724, filed with the Commission October 30, 1907. This shipment was originally forwarded from Hinckley to Little Falls and charged at the effective rate of 6 cents per hundred pounds as contained in respondent's tariff P. S. C., 2 N. Y., No. 2799, filed with the Commission November 15, 1907; it was rejected by consignee and returned to complainant. Effective January 15, 1909, respondent established a commodity rate on woodpulp, carloads, minimum weight as per official classification, from Little Falls to Hinckley aforesaid, of 6 cents per hundred pounds, as shown by its tariff P. S. C., 2 N. Y., No. 5088, filed with the Commission December 15, 1908. Complainant claims, and respondent admits, that the said rate of 12 cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds which was made effective January 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $65.28, the amount collected upon said shipment, and $32.64, the sum produced by a rate of 6 cents per hundred pounds upon a carload weight of 54,400 pounds, that is to say, $32.64, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Hinckley Fibre Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $32.64 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $65.28 for transportation of the shipment aforesaid.

[Case No. 548]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 5th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

LAYCOCK LUMBER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $43.51.

Formal complaint was filed with the Commission by the Laycock Lumber Company of Buffalo, N. Y., against The New York Central and Hudson River Railroad Company as to an alleged unjust and unreasonable switching rate of 3 cents per hundred pounds charged by said respondent upon four carloads of lumber, the aggregate weight of which was 290,100 pounds, moved on or about April 22, 1908, from respondent's track connection with the Buffalo, Rochester and Pittsburgh railway at Charlotte, N. Y., across the Genesee river to the public team track adjoining the storehouse used by the United States Government at Windsor Beach, N. Y., amounting to $87.03. Such rate of 3 cents per hundred pounds was charged in accordance with respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. A hearing was had upon said complaint in the city of Buffalo on January 8, 1909, at which hearing respondent agreed to establish a rate of 30 cents per net ton on carload freight moved between its connection with the Buffalo, Rochester and Pittsburgh railway at Charlotte and team tracks within switching limits on the east side of the Genesee river, which would include the public team track at Windsor Beach at which said shipments were delivered; and it was also agreed between complainant and respondent that reparation for overcharge on said shipments based on a rate of 30 cents per net ton for service rendered would be just and reasonable. Said rate of 30 cents per net ton, minimum carload weight fifteen net tons, was established by respondent upon special permission order of the Commission No. 771, effective February 2, 1909, as shown by respondent's tariff P. S. C., 2 N. Y., No. 5220, filed with the Commission January 29, 1909. It appearing to the Commission that said rate of 3 cents per hundred pounds was unreasonable and unjust, and that reparation to the extent of the difference between $87.03, the amount collected upon said shipments, and $43.52, the sum produced by a rate of 30 cents per net ton upon 290,100 pounds, that is to say, $43.51, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Laycock Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $43.51, as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $87.03 for switching service rendered as aforesaid.

[Case No. 732]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE VALLEY STONE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, Respondents.

Authority to refund $282.94.

Upon shipments made on October 8, 12, 15, and 19, 1907, of four carloads of crushed stone over the New York Central and Hudson River railroad (West Shore railroad) and the railroad of The Delaware and Hudson Company from South Amsterdam, via South Schenectady, to Saratoga, within this State, respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, exacted from complainant, The Valley Stone Company, for transportation of said carloads of crushed stone the sum of $377.25, the same being at the rate of 15 cents per hundred pounds upon an aggregate weight of 251,500 pounds. Such rate was charged in accordance with West Shore railroad joint class rate tariff P. S. C., 2 N. Y., No. 209, filed with the Commission September 25, 1907. At the time said shipments moved there were in effect local commodity rates on crushed stone, carloads, on the West Shore railroad from South Amsterdam to South Schenectady of 30 cents per net ton as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 352, filed with the Commission September 30, 1907, and on the railroad of The Delaware and Hudson Company from South Schenectady to Saratoga of 40 cents per net ton as shown by The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 4, filed with the Commission August 31, 1907, making a combination of local commodity rates from South Amsterdam via South Schenectady to Saratoga of 70 cents per net ton. Effective November 4, 1907, respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, established a through commodity rate on crushed stone, carloads, minimum weight marked capacity of car, but not less than 40,000 pounds, from South Amsterdam via South Schenectady to Saratoga of 75 cents per net ton, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 555, filed with the Commission November 1, 1907. Complainant claims, and respondents admit, that the said rate of 15 cents per hundred pounds was excessive, and respondents further admit that the said through rate of 75 cents per net ton which was made effective November 4, 1907, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $377.25, the amount collected upon said shipments, and $94.31, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 251,500 pounds, that is to say, $282.94, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, The Valley Stone Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, the sum of $282.94 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $377.25 for transportation of the shipments aforesaid.

[Case No. 733]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE VALLEY STONE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, Respondents.

Authority to refund $303.61.

On October 7 and 18, 1907, four carloads of crushed stone were transported over the New York Central and Hudson River railroad (West Shore railroad) from South Amsterdam to Rotterdam Junction, from Rotterdam Junction to Mechanicville over the Boston and Maine railroad, and over The Delaware and Hudson Company's railroad from Mechanicville to Saratoga, all within the State of New York, for which transportation complainant, The Valley Stone Company, was charged by respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, the sum of $414.68, the same being at the rate of 14 cents per hundred pounds upon an aggregate weight of 296,200 pounds. Such charge was made in accordance with West Shore railroad tariff P. S. C., 2 N. Y., No. 516, sixth-class rate of 9 cents per hundred pounds, from South Amsterdam to Mechanicville, and The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 1, sixth-class rate of 5 cents per hundred pounds, from Mechanicville to Saratoga, a combination rate of 14 cents per hundred pounds. From the papers on file it appears that the shipments were misrouted. Upon arrival of said shipments at Mechanicville the joint agent of the Boston and Maine Railroad and The Delaware and Hudson Company at that point knowing they were consigned for delivery on the "Geyser switch" at Saratoga, and that said switch is located on the railroad of The Delaware and Hudson Company at Saratoga, and having ascertained from consignee that delivery would not be accepted from the Boston and Maine Railroad at Saratoga, diverted the cars from the Boston and Maine Railroad to the railroad of The Delaware and Hudson Company and forwarded them to Saratoga. It also appears that the direct route for said shipments from South Amsterdam to Saratoga would have been via South Schenectady, and at the time said shipments moved there was in effect a local commodity rate on crushed stone, carloads, on the West Shore railroad from South Amsterdam to South Schenectady of 30 cents per net ton as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 352, filed with the Commission September 30, 1907, and on the railroad of The Delaware and Hudson Company from South Schenectady to Saratoga of 40 cents per net ton as shown by The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 4, filed with the Commission August 31, 1907, making a combination of local commodity rates from South Amsterdam via South Schenectady to Saratoga of 70 cents per net ton; and that there was also in effect over said direct route a joint rate of 15 cents per hundred pounds upon the shipments in question. Effective November 4, 1907, respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, established a through commodity rate on crushed stone, carloads, minimum weight to be marked capacity of car, but not less than 40,000 pounds, from South Amsterdam via South Schenectady to Saratoga, of 75 cents per net ton, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 555, filed with the Commission November 1, 1907. Complainant claims, and respondents admit, that the said combination rate of 14 cents per hundred pounds was excessive, and respondents further admit that the said through rate of 75

cents per net ton which was made effective November 4, 1907, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $414.68, the amount collected upon said shipments, and $111.07, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 296,200 pounds, that is to say, $303.61, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, The Valley Stone Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, the sum of $303.61 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $414.68 for transportation of the shipments aforesaid.

[Case No. 734]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

SPRING BROOK ICE COMPANY, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent. — Authority to refund $27.62.

Upon shipments made on October 30 and November 19, 1908, of two carloads of ice over the Delaware, Lackawanna and Western railroad from Little York to Oswego within this State, respondent, The Delaware, Lackawanna and Western Railroad Company, charged complainant, Spring Brook Ice Company, for the transportation of said carloads of ice the sum of $59.50, the same being at the rate of 7 cents per hundred pounds upon an aggregate weight of 85,000 pounds. Such charge was made in accordance with sixth-class rate contained in supplement No. 4 to respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907. It appears that previous to the dates on which said shipments moved respondent had in process of preparation a local commodity tariff containing a rate of 75 cents per net ton on ice, carloads, minimum weight as per official classification, from said point of shipment to destination, which was made effective December 2, 1908, as shown by respondent's tariff P. S. C., 2 N. Y., No. 639, filed with the Commission October 31, 1908. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 75 cents per net ton which was made effective December 2, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $59.50, the sum collected upon said shipments, and $31.88, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 85,000 pounds, that is to say, $27.62, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Spring Brook Ice Company, is entitled to recover from respondent, The Delaware, Lackawanna and Western Railroad Company, the sum of $27.62 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $59.50 for transportation of the shipments aforesaid.

[Case No. 735]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

TAGGARTS PAPER COMPANY, Complainant, *v.* THE NEW CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $590.82.

Upon shipments made during the period from May 14 to 28, inclusive, 1908, of 26 carloads of pulpwood over the New York Central and Hudson River railroad from Glenfield to Felts Mills within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Taggarts Paper Company, for the transportation of said carloads of pulpwood the sum of $1,033.94, the same being at the rate of 7 cents per hundred pounds, the aggregate weight of said shipments amounting to 1,477,060 pounds. Such rate was charged in accordance with sixth-class rate contained in respondent's tariff P. S. C., 2 N. Y., No. 2737, filed with the Commission October 31, 1907. Effective May 29, 1908, respondent, under special permission order of the Commission No. 372, established a commodity rate of 3 cents per hundred pounds on pulpwood, carloads, minimum weight 40,000 pounds, from said point of shipment to destination, as shown by its tariff A-9728, P. S. C., 2 N. Y., No. 3973, filed with the Commission May 25, 1908. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 3 cents per hundred pounds which was made effective May 29, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $1,033.94, the amount collected upon said shipments, and $443.12, the sum produced by a rate of 3 cents per hundred pounds upon an aggregate weight of 1,477,060 pounds, that is to say, $590.82, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Taggarts Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $590.82 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $1,033.94 for transportation of the shipments aforesaid.

[Case No. 736]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THOMAS WOODS, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and RUTLAND RAILROAD COMPANY, Respondents.

Authority to refund $6.

Upon a shipment made on October 12, 1908, of one carload of potatoes over the Rutland railroad and the New York Central and Hudson River

railroad from Cherubusco, N. Y., on the Rutland railroad, via Norwood, N. Y., to Potsdam, N. Y., on the St. Lawrence division of the New York Central and Hudson River railroad, respondents, The New York Central and Hudson River Railroad Company and Rutland Railroad Company, charged complainant, Thomas Woods, for the transportation of said carload of potatoes the sum of $51. Such charge was at the rate of 17 cents per hundred pounds on a carload weight of 30,000 pounds as contained in Rutland Railroad Company tariff P. S. C., 2 N. Y., No. 82, filed with the Commission September 21, 1907. At the time said shipment moved respondents had in effect a rate of 15 cents per hundred pounds on said commodity, carloads, from Cherubusco on the Rutland railroad to Richville, N. Y., and other stations on the St. Lawrence division of the New York Central and Hudson River railroad beyond Potsdam, via Norwood, as per Rutland Railroad Company tariff No. D-109, P. S. C., 2 N. Y., No. 105, which rate did not apply from Cherubusco to Potsdam. Effective November 3, 1908, respondents established a rate of 15 cents per hundred pounds on said commodity, carloads, minimum weight as per official classification, from said point of shipment via Norwood to destination, as shown by Rutland Railroad Company tariff P. S. C., 2 N. Y., No. 203, filed with the Commission September 30, 1908. Complainant claims, and respondents admit, that the said rate of 17 cents per hundred pounds was excessive, and respondents further admit that the said rate of 15 cents per hundred pounds which was established November 3, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $51, the amount collected upon said shipment, and $45, the sum produced by a rate of 15 cents per hundred pounds upon a carload weight of 30,000 pounds, that is to say, $6, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Thomas Woods, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and Rutland Railroad Company, the sum of $6 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $51.

[Case No. 737]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CHARLES F. STURM, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $27.15.

Upon shipments made on December 5, 1908, of two carloads of cinders over the New York Central and Hudson River railroad from Black Rock to Transit within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Charles F. Sturm, for the transportation of said carloads of cinders the sum of $72.40, the same being at the rate of 4 cents per hundred pounds upon the aggregate weight of 181,000 pounds. Such charge was made in accordance with sixth-class rate on said commodity as shown by respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. As shown by respondent's tariff P. S. C., 2 N. Y., No. 327, at the time said shipments moved there was in effect a rate of 50 cents per net ton on said commodity, carloads, from

Black Rock to Clarence Center, N. Y., Transit being directly intermediate thereto. Effective January 29, 1909, respondent established a commodity rate of 50 cents per net ton on cinders, carloads, minimum weight 50,000 pounds, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 5215, filed with the Commission January 25, 1909. Complainant claims, and respondent admits, that the said rate of 4 cents per hundred pounds was excessive, and respondent further admits that the said rate of 50 cents per net ton which was made effective January 29, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $72.40, the amount collected upon said shipments, and $45.25, the sum produced by a rate of 50 cents per net ton on an aggregate weight of 181,000 pounds, that is to say, $27.15, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Charles F. Sturm, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $27.15 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $72.40 for transportation of the shipments aforesaid.

[Case No. 738]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JUDD PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $19.26.

Upon a shipment made on October 19, 1908, of one carload of printing paper over the New York Central and Hudson River railroad from Gouverneur to Green Island within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Judd Paper Company, for the transportation of said carload of printing paper the sum of $64.20, the same being at the rate of 15 cents per hundred pounds upon a carload weight of 42,800 pounds. Such rate was charged in accordance with P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907. It appears from respondent's tariff P. S. C., 2 N. Y., No. 4094, that at the time said shipment moved there was in effect a rate of 10½ cents per hundred pounds on said commodity, carloads, from Gouverneur to Troy, N. Y., said last named point being situated on the Hudson river directly opposite Green Island; also that the omission from said last named tariff of said rate of 10½ cents per hundred pounds on said commodity from said point of shipment to destination was due to oversight on part of respondent. Effective January 7, 1909, respondent established a rate of 10½ cents per hundred pounds on said commodity, carloads, minimum weight as per official classification, from said point of shipment to destination, as shown by supplement No. 4 to respondent's tariff P. S. C., 2 N. Y., No. 4094, filed with the Commission December 7, 1908. Complaint claims, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said rate of 10½ cents per hundred pounds which was made effective January 7, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $64.20, the amount collected upon said shipment, and $44.94, the sum pro-

duced by a rate of 10½ cents per hundred pounds on a carload weight of 42,800 pounds, that is to say, $19.26, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Judd Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $19.26 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $64.20 for transportation of the shipment aforesaid.

[Case No. 755]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

FRED T. YORK, TRUSTEE, WATERTOWN SAND BRICK COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $39.40.

Upon shipments made during the period from August 25 to September 19, 1908, of four carloads of brick over the New York Central and Hudson River railroad from Canton to Watertown within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $137.90, the same being at the rate of 7 cents per hundred pounds upon an aggregate weight of 197,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity from said point of shipment to destination as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that the brick comprising said shipments were originally transported from Sanfords, N. Y., to Canton, refused by consignees, and remained at Canton until forwarded to Watertown; also that no brick are manufactured at Canton, and hence during the period when said shipments moved there was no commodity rate which could be applied. Effective October 6, 1908, respondent established a commodity rate of 5 cents per hundred pounds on brick, carloads, from Watertown to Canton as shown by its tariff P. S. C., 2 N. Y., No. 4755, filed with the Commission September 4, 1908, but this rate could not be applied to shipments of said commodity moving in the opposite direction, from Canton to Watertown. Effective January 16, 1909, respondent established a commodity rate of 5 cents per hundred pounds on brick, carloads, minimum weight as per official classification, from Canton to Watertown, as shown by its tariff P. S. C., 2 N. Y., No. 5155, filed with the Commission January 12, 1909. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 5 cents per hundred pounds which was made effective January 16, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $137.90, the amount collected upon said shipments, and $98.50, the sum produced by a rate of 5 cents per hundred pounds upon an aggregate weight of 197,000 pounds, that is to say, $39.40, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Fred T. York, Trustee, Watertown Sand Brick Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $39.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $137.90 for transportation of the shipments aforesaid.

[Case No. 756]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

INTERNATIONAL PAPER COMPANY, Complainant, *v.* NEW YORK AND OTTAWA RAILWAY COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $135.

Upon shipments made during the period from June 30 to July 25, 1908, of four carloads of pulpwood, comprising 65.46 cords, over the New York and Ottawa railway and the New York Central and Hudson River railroad, from St. Regis Falls to Watertown within this State, respondents, New York and Ottawa Railway Company and The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $298.65, the same being at the rate of 15 cents per hundred pounds upon an aggregate weight of 199,100 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity from said point of shipment to destination as shown in New York and Ottawa Railway Company tariff P. S. C., 2 N. Y., No. 39, filed with the Commission September 30, 1907. It appears that under date of March 11, 1908, complainant was advised by an agent of the New York and Ottawa Railway Company that a commodity rate of $2.50 per cord would be established on pulpwood, carloads, from said point of shipment to destination, but through oversight said rate did not become effective until August 3, 1908. Effective August 3, 1908, upon special permission order of the Commission No. 497, respondent, New York and Ottawa Railway Company, established a commodity rate of $2.50 per cord on pulpwood, carloads, minimum 10 cubic cords per car, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 100, filed with the Commission August 1, 1908. Complainant claims, and respondents admit, that the said rate of 15 cents per hundred pounds was excessive, and respondents further admit that the said rate of $2.50 per cord which was made effective August 3, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $298.65, the sum charged upon said shipments, and $163.65, the sum produced by a rate of $2.50 per cord upon aggregate cubic measure of 65.46 cords, that is to say, $135, should be allowed to complainants upon said shipments,

It is Ordered, that the complainant, International Paper Company, is entitled to have the sum of $135 deducted from said unjust and unreasonable charge of $298.65 imposed by respondents for transportation of the shipments aforesaid.

[Case No. 757]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany on the 24th day of February, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

H. G. Anderson & Company, Complainants, *v.* The New York Central and Hudson River Railroad Company, Respondent.

Authority to refund $12.50.

Upon a shipment made on December 3, 1908, of one carload of wheat over the New York Central and Hudson River railroad from Ransomville to Sodus within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $42.50, the same being at the rate of 8½ cents per hundred pounds upon a carload weight of 50,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity from said point of shipment to destination, as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that at the time said shipment moved respondent had in effect a rate of 6 cents per hundred pounds on said commodity, carloads, from Ransomville to Oswego, N. Y., Sodus being intermediate thereto, but which rate could not be applied on said shipment. Effective January 21, 1909, respondent established a commodity rate of 6 cents per hundred pounds on wheat, carloads, minimum weight as per exceptions to the official classification from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5199, filed with the Commission January 19, 1909. Complainants claim, and respondent admits, that the said rate of 8½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds which was made effective January 21, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $42.50, the amount collected upon said shipment, and $30, the sum produced by a rate of 6 cents per hundred pounds on a carload weight of 50,000 pounds, that it to say, $12.50, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, H. G. Anderson & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $12.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $42.50 for transportation of the shipment aforesaid.

[Case No. 761]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JAMES FRAZEE MILLING COMPANY, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent.

Authority to refund $14.85.

On December 3 and 7, 1908, complainant, James Frazee Milling Company, shipped consignments of flour and feed over the Delaware, Lackawanna and Western railroad from Baldwinsville, N. Y., to various points, and for the transportation of which respondent, The Delaware, Lackawanna and Western Railroad Company, exacted payment, as follows:

To Norwich, N. Y., 1,000 pounds of flour, fifth-class rate of 11 cents per 100 pounds	$1 10
To Waterville, N. Y., 2,000 pounds of flour, fifth-class rate of 13 cents per 100 pounds	2 60
To West Winfield, N. Y., carload shipment of feed of 40,000 pounds, sixth-class rate of 10½ cents per 100 pounds	42 00
A total charge of	$45 70

Said charges were made in accordance with said class rates contained in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907. Effective December 14, 1908, respondent established reduced rates on said commodities from said point of shipment to destinations under special permission order of the Commission No. 720 as shown in supplement No. 1 to its tariff P. S. C., 2 N. Y., No. 621, filed with the Commission December 9, 1908, as follows: to Norwich, N. Y., on less carload shipments of flour, 9½ cents per 100 pounds; to Waterville, N. Y., on less carload shipments of flour, 9½ cents per 100 pounds; to West Winfield, N. Y., on carload shipments of feed, minimum weight 35,000 pounds, 7 cents per 100 pounds.

Complainant claims, and respondent admits, that the said rates as originally applied which resulted in a total charge of $45.70 were excessive. Respondent further admits that said reduced rates which were made effective December 14, 1908, from said point of shipment to destinations would be just and reasonable charges applied to the shipments in question, and which would result as follows:

To Norwich, N. Y., 1,000 pounds of flour at 9½ cents per 100 pounds	$0 95
To Waterville, N. Y., 2,000 pounds of flour at 9½ cents per 100 pounds	1 90
To West Winfield, N. Y., carload shipment of feed of 40,000 pounds at 7 cents per 100 pounds	28 00
A total charge of	$30 85

It appearing to the Commission that reparation to the extent of the difference between said total charge of $45.70 as originally applied and collected upon said shipments, and $30.85, the sum produced by said reduced rates as hereinabove described, that is to say, $14.85, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, James Frazee Milling Company, is entitled to recover from respondent, The Delaware, Lackawanna and Western Railroad Company, the sum of $14.85 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $45.70 for transportation of the shipments aforesaid.

[Case No. 762]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

D. G. SCHOLTON, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $84.79.

Upon shipments made on May 2 and 6, 1908, of three carloads of rough marble over the New York Central and Hudson River railroad from Watertown to Buffalo within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $250.33, the same being at the rate of 15½ cents per hundred pounds upon an aggregate weight of 161,500 pounds. Such charge was made in accordance with sixth-class rate contained in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that previous to the time when said shipments moved respondent had in effect a rate of 10 cents per hundred pounds on marble, carloads, from Watertown to Buffalo as per its tariff P. S. C., 2 N. Y., No. 2218, filed with the Commission September 30, 1907, which rate was established to cover shipments of marble forwarded from various points of production to Watertown and there to be manufactured and re-forwarded to various destinations and which was canceled in respondent's supplement No. 1 to tariff P. S. C., 2 N. Y., No. 2218, effective January 8, 1908, filed with the Commission December 5, 1907; that some of the marble received at Watertown for fabrication as aforesaid remained unsold for a considerable time until said shipments moved as hereinabove described; that in the absence of a commodity rate on marble, carloads, from said point of shipment to destination, the effective sixth-class rate of 15½ cents per hundred pounds was charged as hereinabove described; also that on May 2, 1908, respondent established a rate of 10¼ cents per hundred pounds on marble, carloads, from Gouverneur, N. Y., to Buffalo, Watertown being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 3647, filed with the Commission April 1, 1908, but which rate could not be applied on shipments moving from Watertown to Buffalo. Effective January 15, 1909, respondent established a rate of 10¼ cents per hundred pounds on marble, carloads, minimum weight as per official classification, from Watertown to Buffalo as shown by its tariff P. S. C., 2 N. Y., No. 5087, filed with the Commission December 14, 1908. Complainant claims, and respondent admits, that the said rate of 15½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 10¼ cents per hundred pounds which was made effective January 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $250.33, the amount collected upon said shipments, and $165.54, the sum produced by a rate of 10¼ cents per hundred pounds on an aggregate weight of 161,500 pounds, that is to say, $84.79, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, D. G. Scholton, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $84.79 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $250.33 for transportation of the shipments aforesaid.

[Case No. 763]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

NEWTON FALLS PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $39.93.

Upon a shipment made on June 5, 1908, of 475 rolls or one carload of manilla wrapping paper over the New York Central and Hudson River railroad from Newton Falls to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $105.27, the same being at the rate of 29 cents per hundred pounds on a carload weight of 36,302 pounds, and was made in error. Said charge was subsequently corrected to $76.23 as per effective rate of 21 cents per hundred pounds on said commodity on said date from said point of shipment to destination and as shown in respondent's tariff P. S. C., 2 N. Y., No. 3679, filed with the Commission April 7, 1908. It appears that at the time said shipment moved respondent had in effect a commodity rate of 2 cents per hundred pounds on printing and wrapping paper, in rolls or bundles, carloads, minimum weight as per official classification, from Newton Falls to Carthage, N. Y., when destined to points beyond Carthage, as shown in its tariff P. S. C., 2 N. Y., No. 3788, filed with the Commission April 21, 1908, and a rate of 8 cents per hundred pounds on said commodity, carloads, minimum weight as per official classification, from Carthage to Syracuse, as shown in its tariff P. S. C., 2 N. Y., No. 1858, filed with the Commission, September 26, 1907. Effective June 6, 1908, respondent established a commodity rate of 10 cents per hundred pounds on wrapping and printing paper, carloads, minimum weight as per official classification, from said point of shipment to destination, as shown in its tariff P. S. C., 2 N. Y., No. 3891, filed with the Commission May 6, 1908. Complainant claims, and respondent admits, that the said rate of 21 cents per hundred pounds was excessive, and respondent further admits that the said rate of 10 cents per hundred pounds which was made effective June 8, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $76.23, the amount exacted upon said shipment, and $36.30, the sum produced by a rate of 10 cents per hundred pounds upon a carload weight of 36,302 pounds, that is to say, $39.93, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Newton Falls Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $39.93 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $76.23 for transportation of the shipment aforesaid.

[Case No. 764]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JEWETTVILLE PRESSED AND PAVING BRICK COMPANY, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent.

Authority to refund $8.

Upon a shipment made on July 27, 1908, of one carload of brick over the Delaware, Lackawanna and Western railroad from Buffalo to Lancaster within this State, respondent, The Delaware, Lackawanna and Western Railroad Company, charged for the transportation thereof the sum of $14, the same being at the rate of 70 cents per net ton upon a carload weight of 40,000 pounds. It appears from the papers on file in this matter that said shipment originated at Jewettville, N. Y., on the Buffalo, Rochester and Pittsburgh railway, and moved via Buffalo to Lancaster. At the time said shipment moved there were no commodity rates in effect on brick, carloads, via the route and between the points named, nor were any joint class rates in force, and said charge of $14 by respondent was made in accordance with effective sixth-class rate as shown in its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907. Effective December 2, 1908, respondent established a commodity rate of 30 cents per net ton on brick, carloads, minimum weight as per official classification, from Buffalo to Lancaster, as shown by supplement No. 2 to its tariff P. S. C., 2 N. Y., No. 590, filed with the Commission October 31, 1908. Complainant claims, and respondent admits, that the said rate of 70 cents per net ton was excessive, and respondent further admits that the said rate of 30 cents per net ton which was made effective December 2, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $14, the amount collected upon said shipment, and $6, the sum produced by a rate of 30 cents per net ton upon a carload weight of 40,000 pounds, that is to say, $8, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Jewettville Pressed and Paving Brick Company, is entitled to recover from respondent, The Delaware, Lackawanna and Western Railroad Company, the sum of $8 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $14 for transportation of the shipment aforesaid.

[Case No. 765]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CARTHAGE SULPHITE PULP COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $315.42.

Upon shipments made during the period from August 24 to September 2, 1908, of six carloads of woodpulp over the New York Central and Hudson River railroad from Carthage to Malone within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $675.90, the same being at the rate of 15 cents per hundred pounds upon an aggregate weight of 450,600 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 466, filed with the Commission September 23, 1907. It appears that during the course of said shipments respondent endeavored to establish on short notice a reduced rate on said commodity from said point of shipment to destination, but owing to the time consumed in necessary correspondence which ensued between respondent and the Commission it was impracticable to make a reduced rate effective until after the last of said shipments had moved. Effective September 17, 1908, respondent, under special permission order of the Commission No. 565, established a commodity rate of 8 cents per hundred pounds on woodpulp, carloads, minimum weight 40,000 pounds, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 4744, filed with the Commission September 15, 1908. Complainant claims, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was made effective September 17, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $675.90, the amount collected upon said shipments, and $360.48, the sum produced by a rate of 8 cents per hundred pounds upon an aggregate weight of 450,600 pounds, that is to say, $315.42, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Carthage Sulphite Pulp Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $315.42 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $675.90 for transportation of the shipments aforesaid.

[Case No. 766]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of February, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

FRED W. BOND, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent.

Authority to refund $33.50.

Formal complaint was filed with the Commission by Fred W. Bond of Buffalo, N. Y., against The Delaware, Lackawanna and Western Railroad Company, as to alleged unjust and unreasonable rate of 25 cents per net ton charged by respondent upon four carloads of lake sand, the aggregate weight of which was 412,020 pounds, moved during the month of October, 1908, from respondent's track connection with the South Buffalo railway in the city of Buffalo to public team track of respondent in the Abbott Road yard in said city, the total charge exacted amounting to $51.50. Such charge was made in accordance with respondent's local freight tariff No. B-691, P. S. C., 2 N. Y., No. 382, filed with the Commission December 17, 1907. A hearing in the matter was set for January 8, 1909, in the city of Buffalo. Previous to the date set for hearing, respondent, in an amended answer to said complaint, stated its intention to establish a reduced rate for transportation service similar to that involved in said complaint, as follows:

> That on or before the 15th day of January, 1909, the defendant intends to put into effect a new tariff rate on shipments like the one described in the complaint herein, which said tariff rate will provide for changes on all shipments as aforesaid on the basis of five dollars ($5) per car, and that defendant is willing to refund to complainant on basis of proposed new rate if the Commission gives its permission.

Complainant expressed his satisfaction with the proposed change in rate and concession of respondent to make refund of overcharge, and the hearing was not held. Subsequently, respondent notified the Commission that owing to conditions which arose between the date of its said amended answer and the actual issuance of the tariff referred to therein it was necessary to reduce the charge which would cover a movement similar to the one involved in the complaint from $5 per car as proposed to $4.50 per car, and asked authority to adjust the reparation due complainant on the basis of said last named rate. Effective February 11, 1909, respondent established a rate of $4.50 per car for transportation service similar to that involved in said complaint, under special permission order of the Commission No. 789, and as shown in respondent's tariff P. S. C., 2 N. Y., No. 705, filed with the Commission February 8 1909.

It appearing to the Commission that said rate of 25 cents per net ton was unjust and unreasonable, that said rate of $4.50 per car which was made effective February 11, 1909, would be a just and reasonable charge for the transportation service rendered, and that reparation to the extent of the difference between $51.50, the amount collected upon said shipments, and $18, the sum produced by a rate of $4.50 per car upon four carloads, that is to say, $33.50, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant Fred W. Bond, is entitled to recover from respondent, The Delaware, Lackawanna and Western Railroad Company, the sum of $33.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $51.50 for transportation service rendered as aforesaid.

[Case No. 770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

C. A. COLEMAN & BROTHER, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $62.50.

During the period from February 24 to April 1, 1908, complainants, C. A. Coleman & Brother, shipped consignments of hay over the New York Central and Hudson River railroad from Savannah to Beaver River and Tupper Lake Junction, and from Clyde to Beaver River, within this State, for the transportation of which respondent, The New York Central and Hudson River Railroad Company, exacted payment as follows:

From Savannah to Beaver River, four carloads, aggregate weight 116,012 pounds, at 22 cents per 100 pounds	$255 22
From Savannah to Tupper Lake Junction, one carload, weight 23,200 pounds, at 22 cents per 100 pounds	51 04
From Clyde to Beaver River, one carload, weight 21,200 pounds, at 25 cents per 100 pounds	53 00
A total charge of	$359 26

Said charges were made in accordance with fifth-class rates on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2724, filed with the Commission October 30, 1907. Said shipments were transported from said originating points via Utica, N. Y., to said points of destination. It appears that at the time said shipments moved there was in effect on said commodity a fifth-class rate of 8½ cents per hundred pounds from Savannah to Utica as shown by respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and a commodity rate of 10 cents per hundred pounds from Utica to Beaver River and Tupper Lake Junction as shown by respondent's tariffs P. S. C., 2 N. Y., No. 511, filed with the Commission September 29, 1907, and P. S. C., 2 N. Y., No. 3295, filed with the Commission February 4, 1908. Effective July 18, 1908, respondent established a rate of 18½ cents per hundred pounds on said commodity, carloads, minimum weight as per official classification, applying from said points of shipment to destinations, as shown by its tariff P. S. C., 2 N. Y., No. 4100, filed with the Commission June 18, 1908. Complainants claim, and respondent admits, that the said rates as originally applied which resulted in a total charge of $359.26 were excessive, and respondent further admits that the said rate of 18½ cents per hundred pounds which was made effective July 18, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between said total charge of $359.26, as originally applied and collected upon said shipments, and $296.76, the sum produced by a rate of 18½ cents per hundred pounds upon the aggregate weight of said shipments of 160,412 pounds, that is to say, $62.50, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, C. A. Coleman & Brother, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $62.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $359.26 for transportation of the shipments aforesaid.

[Case No. 778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

RAQUETTE LAKE TRANSPORTATION COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $152.77.

Upon a shipment made on June 25, 1908, of one carload of crushed stone screenings over the West Shore railroad, New York Central and Hudson River railroad, and Raquette Lake railway from Frankfort to Raquette Lake within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Raquette Lake Transportation Company, for the transportation of said carload of crushed stone screenings the sum of $200.79, the same being at the rate of 23 cents per hundred pounds upon a carload weight of 87,300 pounds. There was no commodity rate in effect on said shipment on said date and the charge was made in accordance with sixth-class rate shown in P. S. C., 2 N. Y., No. 900, filed with Commission April 17, 1908. Effective August 3, 1908, respondent established a rate of $1.10 per net ton on said commodity, in carloads, applying from said point of shipment to said point of destination, as shown by its tariff W. S. R. R. A-3772, P. S. C., 2 N. Y., No. 1074, filed with the Commission July 29, 1908. Complainant claims, and respondent admits, that the rate of 23 cents per hundred pounds was excessive, and respondent further admits that the rate of $1.10 per net ton, carloads, effective August 3, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $200.79, the sum charged upon said shipment, and $48.02, the sum produced by a rate of $1.10 per net ton upon a carload weight of 87,300 pounds, that is to say, $152.77, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Raquette Lake Transportation Company, is entitled to have the sum of $152.77 deducted from said unjust and unreasonable charge of $200.79 imposed by respondent for transportation of the shipment aforesaid.

[Case No. 781]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE BLOUNT LUMBER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $5.25.

Upon a shipment made on November 21, 1908, of one carload of lumber over the New York Central and Hudson River railroad from Lacona to

Brighton within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $33.25, the same being at the rate of 9½ cents per hundred pounds upon a carload weight of 35,000 pounds. Such rate was charged in accordance with respondent's tariff P. S. C., 2 N. Y., No. 1155, filed with the Commission September 25, 1907. It appears that the freight station of respondent known as Brighton is within the corporate limits of the city of Rochester, N. Y., and at the time said shipment moved respondent had in effect on said commodity a rate of 8 cents per hundred pounds, carloads, from said point of shipment to Kent Street station and Portland Avenue station, Rochester, as shown in its tariff P. S. C., 2 N. Y., No. 18, filed with the Commission August 23, 1907, which said last named rate was not applicable to the station known as Brighton. Effective February 18, 1909, in accordance with special permission order of the Commission No. 800, respondent established a commodity rate of 8 cents per hundred pounds on lumber, carloads, minimum weight as per official classification, from said point of shipment to destination, as shown by supplement No. 4 to its said tariff P. S. C., 2 N. Y., No. 1155, which supplement was filed with the Commission February 15, 1909. Complainant claims, and respondent admits, that the said rate of 9½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was made effective February 18, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $33.25, the amount collected upon said shipment, and $28, the sum produced by a rate of 8 cents per hundred pounds upon a carload weight of 35,000 pounds, that is to say, $5.25, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, The Blount Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $5.25 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $33.25 for transportation of the shipment aforesaid.

[Case No. 782]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HENRY WILHELM, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $4.03.

Upon a shipment made on September 21, 1908, of one carload of excelsior over The Delaware and Hudson Company's railroads from North Creek to Binghamton within this State, respondent, The Delaware and Hudson Company, charged for the transportation thereof the sum of $34.30, the same being at the rate of 17 cents per hundred pounds on a carload weight of 20,182 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity from said point of shipment to destination as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 31, 1907. At the time said shipment moved respondent had in effect a rate of 15 cents per hundred pounds on said commodity from said point of shipment via Binghamton to points beyond said point of destination as shown by its tariff P. S. C., 2 N. Y., No. 534, filed with the Commission September

20, 1907, but which said last named rate was not applicable from North Creek to Binghamton. Effective December 21, 1908, respondent established a rate of 15 cents per hundred pounds on said commodity, carloads, minimum weight as per official classification, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 1804, filed with the Commission November 20, 1908. Complainant claims, and respondent admits, that the said rate of 17 cents per hundred pounds was excessive, and respondent further admits that the said rate of 15 cents per hundred pounds which was made effective December 21, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $34.30, the amount collected upon said shipment, and $30.27, the sum produced by a rate of 15 cents per hundred pounds on a carload weight of 20,182 pounds, that is to say, $4.03, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Henry Wilhelm, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $4.03 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $34.30 for transportation of the shipment aforesaid.

[Case No. 783]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BRICK, TERRA COTTA AND TILE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $110.88.

Upon shipments made on October 21, 27, and November 2, 1908, of three carloads of broken brick over the New York Central and Hudson River railroad from Canandaigua to Corning within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $200.88, the same being at the rate of 9 cents per hundred pounds upon respective carload weights of 69,900, 73,800, and 79,500 pounds, a total of 223,200 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity, carloads, minimum weight as per official classification (40,000 pounds), as shown in respondent's tariff P. S. C., 2 N. Y., No. 1182, filed with the Commission September 25, 1907, said shipments having been transported in cars of marked capacity of 80,000 pounds. Respondent's tariff P. S. C., 2 N. Y., No. 760, filed with the Commission September 28, 1907, contained a rate of 75 cents per net ton on said commodity, carloads, minimum weight 50,000 pounds, from said point of shipment to destination, which said rate was canceled July 24, 1908, and from that date until January 22, 1909, there was no commodity rate in effect on broken brick from said point of shipment to destination. Effective January 22, 1909, respondent established a rate of 75 cents per net ton on said commodity, carloads, minimum weight marked capacity of car, but not less than 50,000 pounds, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 5101, filed with the Commission December 21, 1908. Complainant claims, and respondent admits, that the said rate of 9 cents per hundred pounds was excessive, and respondent further admits that the said rate of 75 cents per net ton in accordance with its tariff effective January 22, 1909, would be a just and reasonable charge applied to the shipments in question. It appear-

ing to the Commission that reparation to the extent of the difference between $200.88, the amount collected upon said shipments, and $90, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 240,000 pounds of the three cars involved in said shipments each of marked capacity of 80,000 pounds, that is to say, $110.88, should be allowed to complainant upon said shipments,

It is Ordered, That the complainant, Brick, Terra Cotta and Tile Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $110.88 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $200.88 for transportation of the shipments aforesaid.

[Case No. 784]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

WINDHOLZ COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $18.03.

Upon shipments made on July 25 and August 29, 1908, of two carloads of vinegar over the New York Central and Hudson River railroad from Syracuse to Albany within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $79.31, the same being at the rate of 11 cents per hundred pounds on an aggregate weight of 72,100 pounds. There was no commodity rate in effect on vinegar from said point of shipment to destination during the time said shipments moved and said charge was made in accordance with the effective fifth-class rate contained in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. When said shipments moved respondent had in effect a rate of 8 cents per hundred pounds on said commodity applying from Newark, N. Y., to Albany, Syracuse being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 346, filed with the Commission September 18, 1907, which said last named rate could not be applied from Syracuse to Albany. Effective February 15, 1909, respondent established a commodity rate of 8½ cents per hundred pounds on vinegar, carloads, minimum weight as per official classification, from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5202, filed with the Commission January 15, 1909. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 8½ cents per hundred pounds which was made effective February 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $79.31, the amount collected upon said shipments, and $61.28, the sum produced by a rate of 8½ cents per hundred pounds upon an aggregate weight of 72,100 pounds, that is to say, $18.03, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Windholz Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $18.03, as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $79.31 for transportation of the shipments aforesaid.

[Case No. 786]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

GENERAL CHEMICAL COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $5.73.

Upon a shipment made on September 8, 1908, of one carload of caustic soda over the New York Central and Hudson River railroad from Niagara Falls to Rensselaer within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $42.02, the same being at the rate of 11 cents per hundred pounds upon a carload weight of 38,200 pounds. Such rate was charged in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Rensselaer is situated on the Hudson river directly opposite Albany, N. Y. It appears that at the time said shipment moved respondent had in effect a rate of 9½ cents per hundred pounds on said commodity, carloads, from Niagara Falls to Albany, as shown by its tariff P. S. C., 2 N. Y., No. 4067, filed with the Commission June 10, 1908, and respondent states that, upon request, said rate of 9½ cents per hundred pounds would have been established and made applicable to shipments of said commodity from Niagara Falls to Rensselaer. Effective October 21, 1908, respondent established a commodity rate of 9½ cents per hundred pounds on caustic soda, carloads, minimum weight as per official classification, from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 4359, filed with the Commission September 18, 1908. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9½ cents per hundred pounds which was made effective October 21, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $42.02, the amount collected upon said shipment, and $36.29, the sum produced by a rate of 9½ cents per hundred pounds upon a carload weight of 38,200 pounds, that is to say, $5.73, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, General Chemical Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $5.73 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $42.02 for transportation of the shipment aforesaid.

[Case No. 807]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of March, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

STREEVER LUMBER COMPANY, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $608.03.

Upon shipments made during the period from August 6 to September 1, 1908, of twelve carloads of piles, from Ballston, via Schenectady, to Hoffmans within this State, respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $1073, the same being at the rate of 15 cents per hundred pounds upon an aggregate weight of 715,330 pounds. Such charge was made in accordance with effective joint sixth-class rate on said commodity as shown in The Delaware and Hudson Company joint tariff P. S. C., 2 N. Y., No. 8, filed with the Commission August 31, 1907. During the period when said shipments moved respondent, The Delaware and Hudson Company, had in effect a local commodity rate of 60 cents per net ton on piles, carloads, minimum weight as per official classification, applying from Ballston to Schenectady, as shown in its tariff P. S. C., 2 N. Y., No. 1559, filed with the Commission May 17, 1908; and respondent, The New York Central and Hudson River Railroad Company, had in effect a local sixth-class rate of 3½ cents per hundred pounds on said commodity, applying from Schenectady to Hoffmans, as shown by its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, which rates combined make a combination of $1.30 per net ton. Effective December 3, 1908, a rate of $1.30 per net ton on said commodity, carloads, minimum weight as per official classification, from said point of shipment to destination was established by respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, as shown in The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 1749, filed with the Commission October 9, 1908. Complainant claims, and respondents admit, that the said rate of 15 cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.30 per net ton which was made effective December 3, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $1073, the amount collected upon said shipments, and $464.97, the sum produced by a rate of $1.30 per net ton upon an aggregate weight of 715,330 pounds, that is to say, $608.03, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Streever Lumber Company, is entitled to recover from respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, the sum of $608.03 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $1073 for transportation of the shipments aforesaid.

[Case No. 805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ROGERSON COLD STORAGE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $117.29.

During the period from September 26 to October 25, 1907, complainant, Rogerson Cold Storage Company, at LeRoy, N. Y., received consignments of apples over the New York Central and Hudson River railroad from various points within this State, for the transportation of which respondent, The New York Central and Hudson River Railroad Company, charged complainant, as follows:

From Adams Basin, 10 carloads, aggregate weight 313,060 pounds, at 7½ cents per hundred pounds	$234 80
From Batavia, 2 carloads, aggregate weight 69,800 pounds, at 4 cents per hundred pounds	27 92
From Chili, 1 carload, 24,000 pounds, at 5 cents per hundred pounds	12 00
From Charlotte, 2 carloads, aggregate weight 72,000 pounds, at 6 cents per hundred pounds	43 20
From Canandaigua, 1 carload, 24,000 pounds, at 7 cents per hundred pounds	16 80
From Holley, 5 carloads, aggregate weight 170,400 pounds, at 8 cents per hundred pounds	136 32
From Brockport, 3 carloads, aggregate weight 91,800 pounds, at 8 cents per hundred pounds	73 44
A total charge of	$544 48

Said charges were made in accordance with effective fifth-class rates on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that during the fruit shipping season of 1907 respondent generally applied sixth-class rates upon shipments of apples, carloads, forwarded from points of production to various points on its lines where cold storage warehouses were located, but through error on the part of one of respondent's agents no tariffs were published providing for sixth-class rates on said commodity, carloads, shipped to LeRoy, N. Y., and charges were necessarily exacted as above described. Effective October 26, 1907, respondent, in its tariff P. S. C., 2 N. Y., No. 2651, filed with the Commission October 24, 1907, made applicable to LeRoy, N. Y., sixth-class rates on apples, carloads, from said points of shipment to destination as follows: Adams Basin, 6 cents per hundred pounds; Batavia, 3½ cents per hundred pounds; Chili, 4 cents per hundred pounds; Charlotte, 5 cents per hundred pounds; Canandaigua, 5 cents per hundred pounds; Holley, 6 cents per hundred pounds; Brockport, 6 cents per hundred pounds.

Complainant claims, and respondent admits, that the said rates as originally applied and which resulted in a total charge of $544.48 were excessive. Respondent further admits that said reduced rates which were made effective October 26, 1907, from said points of shipment to destination would be just and reasonable charges applied to the shipments in question and which would result as follows:

From Adams Basin, aggregate weight 313,060 pounds, at 6 cents per hundred pounds	$187 84
From Batavia, aggregate weight 69,800 pounds, at 3½ cents per hundred pounds	24 43
From Chili, weight 24,000 pounds, at 4 cents per hundred pounds	9 60

From Charlotte, aggregate weight 72,000 pounds, at 5 cents per hundred pounds	$36 00
From Canandaigua, weight 24,000 pounds, at 5 cents per hundred pounds	12 00
From Holley, aggregate weight 170,400 pounds, at 6 cents per hundred pounds	102 24
From Brockport, aggregate weight 91,800 pounds, at 6 cents per hundred pounds	55 08
A total charge of	$427 19

It appearing to the Commission that reparation to the extent of the difference between said total charge of $544.48, as originally applied and collected upon said shipments, and $427.19, the sum produced by said reduced rates as hereinabove described, that is to say, $117.29, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Rogerson Cold Storage Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $117.29 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $544.48 for transportation of the shipments aforesaid.

[Case No. 260]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

MUTUAL MILK AND CREAM COMPANY, Complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, Respondent. — Authority to refund $274.12.

Formal complaint was filed with the Commission by Mutual Milk and Cream Company of New York city, against The Long Island Railroad Company, which said railroad company conducts an express department under the name of "Long Island Express," as to alleged unjust and unreasonable express rate on condensed milk of 50 cents per forty-quart can when transported from Long Island City to Kings Park and Central Islip within this State. From the papers on file in said matter it appears that for some time prior to January 8, 1908, respondent charged complainant for the transportation of said commodity from said point of shipment to destination rate of 40 cents per forty-quart can; that on January 8, 1908, said rate was increased to 60 cents per hundred pounds, applied on estimated weight on 120 pounds per forty-quart can, making the charge therefor 72 cents per can, in accordance with its tariff, P. S. C., 2 N. Y., No. 18, filed with the Commission October 24, 1907; that on March 9, 1908, the rate was reduced to 50 cents per hundred pounds on estimated weight of ten pounds per gallon, on basis of full capacity whether shipped full or partly filled, which resulted in a charge for the transportation of a forty-quart can of said commodity of 50 cents per can, as shown in respondent's tariff P. S. C., 2 N. Y., No. E–20, filed with the Commission February 6, 1908.

A copy of the complaint was served on respondent and answer duly received. Hearings in the matter were set from time to time and postponed at the request of the parties hereto. Through correspondence the complaint was finally adjusted on the basis of 50 cents per hundred pounds on estimated weight of ten pounds per gallon, in accordance with said tariff P. S. C., 2 N. Y., No. E-20.

Involved in the complaint is the question of reparation for overcharge by respondent on shipments of said commodity made by complainant during the period from January 8 to March 8, 1908, when the said rate of 72 cents per can was in force and effect. During the period mentioned respondent transported for complainant 1246 cans of said commodity from said point of shipment to destinations and charged for the transportation thereof the sum of $897.12, at a rate of 72 cents per forty-quart can, in accordance with its tariff P. S. C., 2 N. Y., No. 18, effective at that time. Complainant claims, and respondent admits, that the said rate of 72 cents per forty-quart can was excessive, and respondent further admits that the said rate of 50 cents per forty-quart can which was made effective March 9, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that the 72 cents charge was unreasonable and unjust and that a reasonable charge would not have exceeded the said rate of 50 cents per forty-quart can, and that reparation to the extent of the difference between said total charge of $897.12, as applied and collected upon said shipments, and $623, the sum produced by a rate of 50 cents per forty-quart can on shipments aggregating 1246 cans, that is to say, $274.12, should be allowed to complainant as representing the aggregate of excessive and unreasonable charges upon the said shipments,

It is Ordered, that complainant, Mutual Milk and Cream Company, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $274.12 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $897.12 for transportation of the shipments as aforesaid.

[Case No. 812]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CHARLES WHITE, Complainant, *v.* SILVER LAKE RAILWAY COMPANY, BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $17.60.

Upon a shipment made on September 21, 1908, of one carload of ice from Silver Lake, N. Y., over the Silver Lake railway, via the Buffalo, Rochester and Pittsburgh railway and the New York Central and Hudson River railroad, to East Rochester, N. Y., respondents, Silver Lake Railway Company, Buffalo, Rochester and Pittsburgh Railway Company, and The New York Central and Hudson River Railroad Company, charged complainant, Charles White, for the transportation thereof the sum of $37.40, the same being at the rate of 8½ cents per hundred pounds upon a carload weight of 44,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in supplement No. 7 to Buffalo, Rochester and Pittsburgh Railway Company joint tariff P. S. C., 2 N. Y., No. 79, filed with the Commission May 4, 1908. Effective September 17, 1908, a rate of 90 cents per net ton was established on said commodity, carloads, minimum weight as per official classification, from Silver Lake to Fairport, N. Y., East Rochester being intermediate thereto, as shown by Buffalo, Rochester and Pittsburgh Railway Company tariff P. S. C., 2 N. Y., No. 348, filed with the Commission August 17, 1908; and on January 1, 1909, in Buffalo, Rochester and Pittsburgh Railway Company tariff P. S. C., 2 N. Y., No. 381, filed with the Commission December 1, 1908, said rate of 90 cents per net ton was made applic-

able to East Rochester. Complainant claims, and respondent admits, that the said rate of 8½ cents per hundred pounds was excessive, and respondents further admit that the said rate of 90 cents per net ton which was made effective January 1, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $37.40, the amount collected upon said shipment, and $19.80, the sum produced by a rate of 90 cents per net ton upon a carload weight of 44,000 pounds, that is to say, $17.60, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Charles White, is entitled to recover from respondents, Silver Lake Railway Company, Buffalo, Rochester and Pittsburgh Railway Company, and The New York Central and Hudson River Railroad Company, the sum of $17.60 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $37.40 for transportation of the shipment aforesaid.

[Case No. 813]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HENRY F. JOHNSON, Complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, Respondent. — Authority to refund $12.13.

Upon less carload shipments of oysters made on December 24, 28, 31, 1908, and January 4, 1909, over the Long Island railroad from Lynbrook to New York city within this State, respondent, The Long Island Railroad Company, charged complainant, Henry F. Johnson, for the transportation thereof the sum of $28.30, the same being at the rate of 14 cents per hundred pounds upon an aggregate weight of 20,210 pounds. Such charge was made in accordance with effective commodity rate on oysters as shown in respondent's tariff P. S. C., 2 N. Y., No. 208, filed with the Commission November 19, 1908, effective December 21, 1908. It appears that prior to December 21, 1908, respondent had in effect a rate of 8 cents per hundred pounds on said commodity from said point of shipment to destination, which rate, through error, was superseded by said rate of 14 cents per hundred pounds as above described. Effective January 7, 1909, respondent, under special permission order of the Commission No. 739, reëstablished a rate of 8 cents per hundred pounds on said commodity from said point of shipment to destination, as shown in its tariff P. S. C., 2 N. Y., No. 220, filed with the Commission January 4, 1909. Complainant claims, and respondent admits, that the said rate of 14 cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was reëstablished and made effective January 7, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $28.30, the amount collected upon said shipments, and $16.17, the sum produced by a rate of 8 cents per hundred pounds upon an aggregate weight of 20,210 pounds, that is to say, $12.13, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Henry F. Johnson, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $12.13 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $28.30 for transportation of the shipment aforesaid.

[Case No. 817]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

O. C. CURTIS COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $33.07.

Upon a shipment made on August 13, 1908, of one carload of beans over the New York Central and Hudson River railroad from Milton to LeRoy within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, O. C. Curtis Company, for the transportation thereof the sum of $78.17, the same being at the rate of 13 cents per hundred pounds upon a carload weight of 60,130 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that prior to July 30, 1908, respondent had in effect a commodity rate of 7 cents per hundred pounds on beans, carloads, from said point of shipment to destination, as shown in its tariff P. S. C., 2 N. Y., No. 3413, filed with the Commission February 18, 1908, which rate was canceled in respondent's tariff P. S. C., 2 N. Y., No. 4152, filed with the Commission June 29, 1908. Effective October 14, 1908, under special permission order of the Commission No. 639, respondent established a commodity rate of 7½ cents per hundred pounds on beans, carloads, minimum weight as per official classification, from said point of shipment to destination, as shown in its tariff P. S. C., 2 N. Y., No. 4892, filed with the Commission October 12, 1908. Complainant claims, the respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of 7½ cents per hundred pounds which was made effective October 14, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $78.17, the amount collected upon said shipment, and $45.10, the sum produced by a rate of 7½ cents per hundred pounds upon a carload weight of 60,130 pounds, that is to say, $33.07, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, O. C. Curtis Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $33.07 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $78.17 for transportation of the shipment aforesaid.

[Case No. 818]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ALEXANDER MURDOCH, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $300.20.

Upon shipments made on October 29 and 30, 1908, of five carloads of sand from Pattersonville, N. Y., on the West Shore railroad, to Amsterdam, N. Y., on the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Alexander Murdoch, for the transportation thereof the sum of $382.07, the same being at the rate of 10½ cents per hundred pounds upon an aggregate weight of 363,880 pounds. Such charge was made in accordance with effective sixth-class rate on sand as shown in West Shore railroad tariff P. S. C., 2 N. Y., No. 204, filed with the Commission September 24, 1907. Pattersonville is situated on the Mohawk river directly opposite Hoffmans, on the New York Central and Hudson River railroad. It appears that previous to the transportation of said shipments, upon application made by complainant's representative, respondent established a rate of 35 cents per net ton on said commodity from Hoffmans to Amsterdam, it being understood by complainant's representative that Pattersonville was known as Hoffmans station on the West Shore railroad; and that said shipments were forwarded to destination before this misunderstanding could be corrected. Effective November 24, 1908, under special permission order of the Commission No. 706, a rate of 45 cents per net ton, carloads, minimum weight marked capacity of car, but not less than 40,000 pounds, was established from said point of shipment to destination as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1319, filed with the Commission November 20, 1908. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 45 cents per net ton which was made effective November 24, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $382.07, the amount collected upon said shipments, and $81.87, the sum produced by a rate of 45 cents per net ton upon an aggregate weight of 363,880 pounds, that is to say, $300.20, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Alexander Murdoch, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $300.20 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $382.07 for transportation of the shipments aforesaid.

[Case No. 820]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THOMPSON MILLING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $7.50.

Upon a shipment made on September 29, 1908, of one carload of bran over the New York Central and Hudson River railroad from Middleport to Amsterdam within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $52.50, the same being at the rate of 10½ cents per hundred pounds upon a carload weight of 50,000 pounds. Such charge was made in accordance with the effective sixth class on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that at the time said shipment moved respondent had in effect from Lockport, N. Y., to Amsterdam, Middleport being intermediate thereto, a rate of 9 cents per hundred pounds on said commodity, carloads, as shown in its tariff P. S. C., 2 N. Y., No. 3672, and subsequently respondent established a rate on said commodity lower than 9 cents per hundred pounds applying from Middleport to Amsterdam. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $52.50, the amount collected upon said shipment, and $45, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 50,000 pounds, that is to say, $7.50, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Thompson Milling Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $7.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $52.50 for transportation of the shipment aforesaid.

[Case No. 294]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the GLEASON COLD STORAGE COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

The various matters treated in this order are in addition to those determined by the order of the Commission of December 30, 1908, and relate to

claims by complainant for reparation on shipments referred to at the hearing held in the city of Rochester on December 4, 1908, and which, upon the evidence relating thereto, are submitted by the parties for determination by the Commission.

1. Complainant's Brighton items Nos. 218 and 220, claim for overcharge on shipments of carrots. It appears that these two shipments moved from Morton, N. Y., on the Rome, Watertown and Ogdensburg division of respondent, to Brighton, N. Y., on the main line of respondent's railroad, under respective way-bill dates of November 21 and 23, 1907, for which transportation respondent, The New York Central and Hudson River Railroad Company, charged complainant, Gleason Cold Storage Company, the sum of $75.18, the same being at the rate of 14 cents per hundred pounds upon an aggregate weight of 53,700 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity from said point of shipment to destination as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. The claim for excessive charge, amounting to $48.33, is based on the fact that at the time said shipments moved respondent had in effect on said commodity a rate of 5 cents per hundred pounds from Spencerport, N. Y., to Brighton, Spencerport being situated on the so called Niagara Falls branch of respondent and adjacent to Morton. Effective August 1, 1908, respondent established a rate of 7 cents per hundred pounds on carrots from Morton to Brighton as shown in its tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. Upon such aggregate weight of 53,700 pounds the charge on said shipments at a rate of 7 cents per hundred pounds would have been $37.59. The amount exacted for said transportation in excess of $37.59 was $37.59, and this amount should be allowed complainant in reparation.

2. Complainant's Brighton item No. 176, shipment of one car of pears. It appears that this shipment consisted of 163 barrels of pears, of a carload weight of 29,340 pounds, consigned from Sodus, N. Y., to Brighton, N. Y., under way-bill date of October 18, 1907; that before the car reached Brighton it was diverted to Chicago, and the freight charge for the entire transportation paid at destination point. Notwithstanding the facts as here stated, respondent, The New York Central and Hudson River Railroad Company, exacted from complainant, Gleason Cold Storage Company, the sum of $14.67, the charge involved in a shipment of pears as above described from Sodus to Brighton, in accordance with effective rate of 5 cents per hundred pounds as contained in supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 41, filed with the Commission October 14, 1907. This is a plain case of wrongful charge, and refund to the amount of $14.67 is properly due and should be made to complainant.

3. Complainant's Brighton item No. 168, claim for overcharge on shipment of apples. It appears that this shipment consisted of 180 barrels of apples, of a carload weight of 28,800 pounds, transported from Seneca Falls, N. Y., to Brighton, N. Y., under way-bill date of October 16, 1907, for which transportation respondent, The New York Central and Hudson River Railroad Company, exacted from complainant, Gleason Cold Storage Company, the sum of $21.60, the same being charged at a rate of 7½ cents per hundred pounds through error. The regularly established rate on said commodity from said point of shipment to destination at the time said shipment moved was 6 cents per hundred pounds as shown in supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 40, filed with the Commission October 11, 1907, which rate if applied would produce an amount of $17.28, a difference of $4.32. At the hearing respondent contended that this difference of $4.32 had been refunded to complainant, but such contention has been withdrawn. There was no established tariff authority for the said rate of 7½ cents per hundred pounds exacted on the shipment as above described, and the difference between the amount collected, $21.60, and $17.28, the amount produced by said effective rate of 6 cents per hundred pounds, namely, $4.32, is properly due and should be paid to complainant.

4. Complainant's Brighton item No. 205, claim for overcharge on shipment of apples. It appears that this shipment consisted of 200 barrels of apples,

of a carload weight of 31,700 pounds, transported from Kent Street station, Rochester, N. Y., to Brighton, N. Y., under way-bill date of October 30, 1907, for which transportation respondent, The New York Central and Hudson River Railroad Company, exacted from complainant, Gleason Cold Storage Company, the sum of $28.34, the same being stated as charged at a joint rate of 9 cents per hundred pounds as shown by supplement No. 5 to Buffalo, Rochester and Pittsburgh Railway Company tariff P. S. C., 2 N. Y., No. 79, filed with the Commission October 24, 1907. Apparently this shipment actually did originate at Ridge Road on the last named company's railway and was transported to Brighton, the said rate of 9 cents was properly applied, and reparation as to such shipment should be denied.

5. Complainant's LeRoy items Nos. 1, 37, 53, 64, and 90:

"1." Hilton, N. Y., to LeRoy, N. Y., under way-bill date of September 26, 1907, shipment of 101 barrels, 10,720 pounds of apples and 5,440 pounds of pears, aggregate weight 16,160 pounds, charged at rate of 16 cents per hundred pounds, $25.86. At the time said shipment moved the carload rate on apples from said point of shipment to destination was 6 cents per hundred pounds, carloads, minimum weight 24,000 pounds. Effective February 19, 1909, respondent established a rate of 6 cents per hundred pounds on pears, carloads, minimum weight 24,000 pounds, as appears by supplement No. 6 to its tariff P. S. C., 2 N. Y., No. 4528, filed with the Commission February 17, 1909. Upon such minimum carload weight of 24,000 pounds the charge on said shipment at a rate of 6 cents per hundred pounds would have been $14.40. The amount exacted for said transportation in excess of $14.40 was $11.46, and this amount should be allowed to complainant in reparation.

"37." Carload of pears, 199 barrels, shipped from Millers, N. Y., to LeRoy, N. Y., under way-bill date of October 16, 1907, 33,900 pounds, charged at rate of 14 cents per hundred pounds, $47.46, in accordance with respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Effective February 19, 1909, this rate was reduced to 7½ cents per hundred pounds, as shown by supplement No. 6 to respondent's tariff P. S. C., 2 N. Y., No. 4528, filed with the Commission February 17, 1909. It is conceded that the rate should not have exceeded 7½ cents per hundred pounds. The total charge exacted was $47.46, and the amount that should have been charged is $25.43, indicating reparation due complainant of $22.03.

"53." Carload of pears, 123 barrels, shipped from Wilson, N. Y., to LeRoy, N. Y., under way-bill date of October 18, 1907, 24,000 pounds, charged at rate of 14 cents per hundred pounds, $33.60, in accordance with respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Effective February 19, 1909, this rate was reduced to 6½ cents per hundred pounds, as shown by supplement No. 6 to respondent's tariff P. S. C., 2 N. Y., No. 4528, filed with the Commission February 17, 1909. It is conceded that the rate should not have exceeded 6½ cents per hundred pounds. The total charge exacted was $33.60, and the amount that should have been charged is $15.60, indicating reparation due complainant of $18.

"64." Carload of pears, 192 barrels, shipped from Millers, N. Y., to LeRoy, N. Y., under way-bill date of October 21, 1907, 32,100 pounds, charged at rate of 14 cents per hundred pounds, $44.94, in accordance with respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Effective February 19, 1909, this rate was reduced to 7½ cents per hundred pounds, as shown by supplement No. 6 to respondent's tariff P. S. C., 2 N. Y., No. 4528, filed with the Commission February 17, 1909. It is conceded that the rate should not have exceeded 7½ cents per hundred pounds. The total charge exacted was $44.94, and the amount that should have been charged is $24.08, indicating reparation due complainant of $20.86.

"90." Carload of pears, 223 barrels, shipped from Millers, N. Y., to LeRoy, N. Y., under way-bill date of October 26, 1907, 38,150 pounds, charged at rate of 14 cents per hundred pounds, $53.41, in accordance with respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. Effective February 19, 1909, this rate was reduced to 7½ cents per hundred pounds, as shown by supplement No. 6 to respondent's tariff P. S. C., 2 N. Y., No. 4528, filed with the Commission February 17, 1909. It is conceded that

the rate should not have exceeded 7½ cents per hundred pounds. The total charge exacted was $53.41, and the amount that should have been charged is $28.61, indicating reparation due complainant of $24.80.

6. Complainant's claim for overcharges on apples on account of basing rates on actual weight instead of estimated weight of 160 pounds per barrel during the period from August 1 to October 21, 1907. For a long time prior to August 1, 1907, and during all of the time since October 21, 1907, respondent based its charges on apples upon an estimated weight of 160 pounds per barrel. The basing of apple rates on estimated weight is a practice very generally followed by carriers. The departure by respondent from the general rule during the period mentioned resulted in increased charges on shipments of apples to complainant from various points. On a few shipments this departure from the general rule operated to produce charges based on actual weight which were less than they would have been if based on the 160 pounds per barrel estimated weight. Upon a schedule submitted it appears that the overcharges on account of the use of actual weight amounted to $63.02, while the undercharges amounted to $4.79, leaving a net difference on account of the use of actual weights, $58.23. A reasonable and just charge during the period mentioned would have been on the basis of an estimated weight of 160 pounds per barrel. In the opinion of the Commission, reparation is due complainant on account of the use of actual weight instead of the estimated weight of 160 pounds per barrel to the amount of $58.23.

In addition to the claims above disposed of the Commission is asked by complainant to allow reparation for expenses of complainant's counsel and employees in attending the hearings in this matter and expenses of complainant's receiver in making certain trips for the purpose of securing adjustment of the claims. The complainant also claims a counsel fee of $350. The Commission is without authority to allow costs or counsel fees in matters coming before it, and however equitable claims based upon such considerations may be, they must be denied.

The claims hereby allowed amount to $211.96, and upon consideration,

It is Ordered, that the complainant, Gleason Cold Storage Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $211.96 as reparation for and on account of exaction by respondent of said unjust and unreasonable charges hereinbefore specified for transportation of the shipments aforesaid.

[Case No. 828]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

F. W. WITTEMEIERS & SONS, Complainants, *v.* FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $10.20.

Upon a shipment made on December 14, 1908, of one carload of broom handles from Johnstown, N. Y., on the Fonda, Johnstown and Gloversville railroad, to Tribes Hill, N. Y., on the New York Central and Hudson River railroad, respondents, Fonda, Johnstown and Gloversville Railroad Company and The New York Central and Hudson River Railroad Company, charged complainants, F. W. Wittemeiers & Sons, for the transportation thereof the sum of $27.20, the same being at the rate of 8 cents per hundred pounds

upon a carload weight of 34,000 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity shown in Fonda, Johnstown and Gloversville Railroad Company tariff P. S. C., 2 N. Y., No. 71, filed with the Commission April 13, 1908. At the time said shipment moved respondents had in effect on said commodity a rate of $1 per net ton, carloads, minimum weight 34,000 pounds, from Gloversville, N. Y., to Tribes Hill, Johnstown being intermediate thereto, but which rate could not be applied upon the shipment in question. Effective February 18, 1909, a rate of $1 per net ton was established on said commodity, carloads, minimum weight 34,000 pounds, from Johnstown to Tribes Hill, as shown in Fonda, Johnstown and Gloversville Railroad Company tariff P. S. C., 2 N. Y., No. 92, filed with the Commission January 18, 1909. Complainants claim, and respondents admit, that the said rate of eight cents per hundred pounds was excessive, and respondents further admit that the said rate of $1 per net ton which was made effective February 18, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $27.20, the amount collected upon said shipment, and $17, the sum produced by a rate of $1 per net ton upon a carload weight of 34,000 pounds, that is to say, $10.20, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, F. W. Wittemeiers & Sons, are entitled to recover from respondents, Fonda, Johnstown and Gloversville Railroad Company and The New York Central and Hudson River Railroad Company, the sum of $10.20 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $27.20 for transportation of the shipment aforesaid.

[Case No. 829] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

MORRIS KANTROWITZ, Complainant, *v.* THE ULSTER AND DELAWARE RAILROAD COMPANY, Respondent. Authority to refund $214.06.

Upon shipments made during the period from June 26 to August 1, 1908, of ten carloads of crushed stone over the Ulster and Delaware railroad from Oneonta to Arkville within this State, respondent, The Ulster and Delaware Railroad Company, charged complainant, Morris Kantrowitz, for the transportation thereof the sum of $642.21, the same being at the rate of $1.50 per net ton upon an aggregate weight of 856,300 pounds. Such rate was applied under Class C rate covering building material, sand, etc., as contained in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 28, 1907. It appears that during the time said shipments moved respondent had in effect a rate of $1 per net ton on carload shipments of blue stone flagging, curbing, paving, and building, dressed and rough, as shown by its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 28, 1907, but no commodity rate applying on crushed stone was in effect at that time from said point of shipment to destination. Effective March 25, 1909, respondent established a commodity rate of $1 per net ton on crushed stone, carloads, minimum weight as per official classification, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 25, filed with the Commission February 20, 1909. Complainant claims, and respondent admits, that the said rate of $1.50 per net ton as applied was

excessive, and respondent further admits that the said rate of $1 per net ton which was made effective March 25, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $642.21, the amount collected upon said shipments, and $428.15, the sum produced by a rate of $1 per net ton upon an aggregate weight of 856,300 pounds, that is to say, $214.06, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Morris Kantrowitz, is entitled to recover from respondent, The Ulster and Delaware Railroad Company, the sum of $214.06 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $642.21 for transportation of the shipments aforesaid.

[Case No. 830]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

FLEISCHMANN MANUFACTURING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $91.68.

Upon shipments made on July 16, September 19 and 20, 1908, of eight carloads of malt and malt sprouts over the New York Central and Hudson River railroad from Black Rock to Peekskill within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Fleischmann Manufacturing Company, for the transportation thereof the sum of $504.24, the same being at the rate of 11 cents per hundred pounds upon an aggregate weight of 458,400 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908. It appears that previous to May 7, 1908, respondent had in effect on said commodity a rate of 9 cents per hundred pounds from said point of shipment to destination as shown by supplement No. 4 to its tariff P. S. C., 2 N. Y., No. 659, which tariff was canceled by said tariff P. S. C., 2 N. Y., No. 3672, and through clerical error said rate of 9 cents per hundred pounds was made inapplicable from Black Rock to Peekskill; that this error was corrected in supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 3672, effective October 3, 1908, issued under special permission order of the Commission No. 608, filed with the Commission October 1, 1908, which reëstablished said 9 cent rate from said point of shipment to destination. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective October 3, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $504.24, the amount collected upon said shipments, and $412.56, the sum produced by a rate of 9 cents per hundred pounds on an aggregate weight of 458,400 pounds, that is to say, $91.68, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Fleischmann Manufacturing Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $91.68 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $504.24 for transportation of the shipments aforesaid.

[Case No. 831]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BARRETT MANUFACTURING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $7.50.

Upon a shipment made on April 3, 1908, of one carload of roofing paper over the New York Central and Hudson River railroad from 60th street, New York city, to Rochester within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $48.75, the same being at the rate of 13 cents per hundred pounds upon a carload weight of 37,500 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that at the time said shipment moved respondent had in effect on said commodity a rate of 11 cents per hundred pounds applying from New York city to Buffalo and Niagara Frontier points, Rochester being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 1301, filed with the Commission September 25, 1907; and effective March 15, 1909, this rate was made applicable to shipments of said commodity, carloads, minimum weight 30,000 pounds, from New York city to Rochester, as shown by supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 5130, filed with the Commission February 11, 1909. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of 11 cents per hundred pounds which was made effective March 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference beween $48.75, the amount charged on said shipment, and $41.25, the sum produced by a rate of 11 cents per hundred pounds upon a carload weight of 37,500 pounds, that is to say, $7.50, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Barrett Manufacturing Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $7.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $48.75 for transportation of the shipment aforesaid.

[Case No. 832]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

SPENCER KELLOGG COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $22.40.

Upon shipments made on June 26 and July 12, 1908, of two carloads of corn over the New York Central and Hudson River railroad from Buffalo to Peekskill within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $123.20, the same being at the rate of 11 cents per hundred pounds upon an aggregate weight of 112,000 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908. It appears that previous to May 7, 1908, respondent had in effect on said commodity a rate of 9 cents per hundred pounds from said point of shipment to destination as shown by supplement No. 4 to its tariff P. S. C., 2 N. Y., No. 659, which tariff was canceled by said tariff P. S. C., 2 N. Y., No. 3672, and through clerical error said rate of 9 cents per hundred pounds was made inapplicable from Buffalo to Peekskill; that this error was corrected in supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 3672, effective October 3, 1908, issued under special permission order of the Commission No. 608, filed with the Commission October 1, 1908, which reëstablished said 9 cent rate from said point of shipment to destination. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective October 3, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $123.20, the amount collected upon said shipments, and $100.80, the sum produced by a rate of 9 cents per hundred pounds upon an aggregate weight of 112,000 pounds, that is to say, $22.40, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Spencer Kellogg Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $22.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $123.20 for transportation of the shipments aforesaid.

[Case No. 833]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

KNOWLTON BROTHERS, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $55.98.

Upon shipments made on December 31, 1907, and January 28, 1908, of two carloads of printing paper over the New York Central and Hudson River railroad from Watertown to Barnard within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $139.95, the same being at the rate of 15 cents per hundred pounds upon an aggregate weight of 93,300 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that at the time said shipments were transported respondent had in effect on said commodity a carload rate of 9 cents per hundred pounds from Watertown to Rochester, N. Y., and Charlotte, N. Y. Although Barnard is not intermediate to Watertown and Rochester, it is situated between Rochester and Charlotte on the branch line of respondent on the side of the Genesee river opposite to the division on which is situated Charlotte. Effective April 20, 1908, under special permission order of the Commission No. 311, respondent established a commodity rate of 9 cents per hundred pounds on printing paper, carloads, minimum weight as per official classification, from Watertown to Barnard, as shown by its tariff P. S. C., 2 N. Y., No. 3749, filed with the Commission April 17, 1908. Complainants claim, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective April 20, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $139.95, the amount collected upon said shipments, and $83.97, the sum produced by a rate of 9 cents per hundred pounds upon an aggregate weight of 93,300 pounds, that is to say, $55.98, should be allowed to complainant upon said shipments,

It is Ordered, that the complainants, Knowlton Brothers, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $55.98 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $139.95 for transportation of the shipments aforesaid.

[Case No. 834]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN KAM MALTING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $10.22.

Upon a shipment made on June 6, 1908, of one carload of malt over the New York Central and Hudson River railroad from Black Rock to Hudson within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $56.21, the same being at the rate of 11 cents per hundred pounds upon a carload weight of 51,100 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908. It appears that previous to May 7, 1908, respondent had in effect on said commodity a rate of 9 cents per hundred pounds from said point of shipment to destination, as shown by supplement No. 4 to its tariff P. S. C., 2 N. Y., No. 659, which tariff was canceled by said tariff P. S. C., 2 N. Y., No. 3672, and through clerical error said rate of 9 cents per hundred pounds was made inapplicable from Black Rock to Hudson; that this error was corrected in supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 3672, effective October 3, 1908, issued under special permission order of the Commission No. 608, filed with the Commission October 1, 1908, which reëstablished said 9 cent rate from said point of shipment to destination. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective October 3, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $56.21, the amount collected upon said shipment, and $45.99, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 51,100 pounds, that is to say, $10.22, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, John Kam Malting Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10.22 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $56.21 for transportation of the shipment aforesaid.

[Case No. 835]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CHARLES G. CURTISS COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $10.99.

Upon a shipment made on August 20, 1908, of one carload of malt over the New York Central and Hudson River railroad from Black Rock to Hudson within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $60.43, the same being at the rate of 11 cents per hundred pounds upon a carload weight of 54,932 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908. It appears that previous to May 7, 1908, respondent had in effect on said commodity a rate of 9 cents per hundred pounds from said point of shipment to destination as shown by supplement No. 4 to its tariff P. S. C., 2 N. Y., No. 659, which tariff was canceled by said tariff P. S. C., 2 N. Y., No. 3672, and through clerical error said rate of 9 cents per hundred pounds was made inapplicable from Black Rock to Hudson; that this error was corrected in supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 3672, effective October 3, 1908, issued under special permission order of the Commission No. 608, filed with the Commission October 1, 1908, which reëstablished said 9 cent rate from said point of shipment to destination. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective October 3, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $60.43, the amount collected upon said shipment, and $49.44, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 54,932 pounds, that is to say, $10.99, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Charles G. Curtiss Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10.99 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $60.43 for transportation of the shipment aforesaid.

[Case No. 836]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

I. S. HART, Complainant, *v.* LEHIGH VALLEY RAILROAD COMPANY, Respondent.

Authority to refund $18.46.

Upon a shipment made during the month of August, 1908, of one carload of lumber over the Lehigh Valley railroad from Brookton to Ithaca within this

State, respondent, Lehigh Valley Railroad Company, charged for the transportation thereof the sum of $39.76, the same being at the rate of 7 cents per hundred pounds upon a carload weight of 56,800 pounds. Such charge was made in accordance with effective sixth-class rate shown in respondent's tariff P. S. C., 2 N. Y., No. D-13, filed with the Commission September 30, 1907. It appears that on the date when said shipment moved respondent had in effect a rate of 75 cents per net ton on said commodity from Besemers, N. Y., to Ithaca, Brookton being intermediate thereto, but which rate could not be applied to the shipment in question. Effective February 26, 1909, respondent established a rate of 75 cents per net ton on lumber, carloads, minimum weight as per official classification, from Brookton to Ithaca, as shown by supplement No. 6 to its tariff P. S. C., 2 N. Y., No. D-696, filed with the Commission January 26, 1909. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 75 cents per net ton which was made effective February 26, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $39.76, the amount collected upon said shipment, and $21.30, the sum produced by a rate of 75 cents per net ton upon a carload weight of 56,800 pounds, that is to say, $18.46, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, I. S. Hart, is entitled to recover from respondent, Lehigh Valley Railroad Company, the sum of $18.46 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $39.76 for transportation of the shipment aforesaid.

[Case No. 772]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:

FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of W. R. CROCKER *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY.

After due deliberation it is

Ordered: That the complaint of W. R. Crocker of Addison, as to alleged unreasonable demurrage charges of the Buffalo, Rochester and Pittsburgh Railway Company on shipments of lumber from Cameron to Rochester, be and hereby is closed on the records of this Commission, in accordance with request of complainant under date of April 3, 1909.

[Case No. 872]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

WILLIAM LANG, Complainant, *against* THE LONG ISLAND RAILROAD COMPANY, Respondent.

Authority to refund $152.10.

Upon shipments made during the period from August 18 to November 27, 1908, of sixteen carloads of pickles over the Long Island railroad from Cold Spring to Radler within this State, respondent, The Long Island Railroad Company, charged for the transportation thereof the sum of $401.43. Such charge was made in accordance with effective rates on said commodity of 7 cents per hundred pounds, carloads, minimum weight 36,000 pounds, and 11 cents per hundred pounds, less than carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 110, filed with the Commission October 31, 1907, and upon respective carload weights as follows: 23,400, 21,300, 29,000, 27,400, 27,500, 31,050, 28,600, 33,100, 29,200, 31,850, 35,000, 34,050, 32,100, 29,400, 29,700, and 31,500 pounds. Said 11 cent rate was applied to the shipment comprising 21,300 pounds, amounting to $23.43, and said 7 cent rate was applied to the others of said shipments on minimum carload weight of 36,000 pounds each, amounting to $378, or said aggregate of $401.43. It appears that during the period when said shipments moved respondent had in effect on said commodity a rate of 5 cents per hundred pounds, carloads, minimum weight 30,000 pounds, applying from Cold Spring to Long Island City, Bushwick, East New York, and Flatbush Avenue, Radler being in the vicinity thereof and it may be said intermediate thereto, as shown in its tariff P. S. C., 2 N. Y., No. 143, filed with the Commission February 20, 1908, but said 5 cent rate at that time was inapplicable to the shipments transported as aforesaid. Effective January 31, 1909, said rate of 5 cents per hundred pounds, carloads, minimum weight 30,000 pounds, was made applicable to shipments of said commodity from Cold Spring to Radler, as shown in respondent's tariff P. S. C., 2 N. Y., No. 218, filed with the Commission December 24, 1908. Complainant claims, and respondent admits, that the said charges as exacted above described were excessive, and respondent further admits that the said rate of 5 cents per hundred pounds, carloads, minimum weight 30,000 pounds, and which was made effective January 31, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $401.43, the amount collected upon said shipments, and $249.33, the sum produced by a rate of 5 cents per hundred pounds, carloads, minimum weight 30,000 pounds, upon respective carload shipments as above described, that is to say, $152.10, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, William Lang, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $152.10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $401.43 for transportation of the shipments aforesaid.

[Case No. 873]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

FRANKLIN MILLS COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $60.60.

Upon shipments made on October 17 and December 1, 1908, of two carloads of bran over the New York Central and Hudson River railroad, one from Batavia to Watertown and one from Batavia to Mexico, within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof an aggregate of $125.09, as follows: On the Watertown shipment the sum of $62 upon a carload weight of 40,000 pounds, and on the Mexico shipment the sum of $63.09 upon a carload weight of 40,700 pounds. Said charges were at the rate of 15½ cents per hundred pounds and in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907.

It appears that on the Watertown shipment and prior to the transportation thereof complainant was erroneously advised by respondent's agent that a rate of 7 cents per hundred pounds would apply thereto; that freight charges based on a 7 cent rate were collected and the error subsequently corrected by the exaction of additional charge based on the effective rate in force at the time of shipment. It also appears that at the time of said shipments respondent had in effect on said commodity a rate of 11 cents per hundred pounds applying from Buffalo, N. Y., to Watertown, Batavia being intermediate thereto, and a rate of 7 cents per hundred pounds on grain and grain products applying from Buffalo to Mexico, Batavia being intermediate thereto, but which rates were inapplicable on the shipments transported as aforesaid. Effective March 15, 1909, as shown by its tariff P. S. C., 2 N. Y., No. 5306, filed with the Commission February 11, 1909, respondent established a rate of 9 cents per hundred pounds, carloads, on said commodity applying from Batavia to Watertown, and a rate of 7 cents per hundred pounds, carloads, on said commodity, applying from Batavia to Mexico. Complainant claims, and respondent admits, that the said rate of 15½ cents per hundred pounds was excessive, and respondent further admits that the said 9 and 7 cent rates which were made effective March 15, 1909, would be just and reasonable charges applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $62, the amount collected upon the Watertown shipment, and $36 the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 40,000 pounds, $26; and $63.09, the amount collected upon the Mexico shipment, and $28.49 the sum produced by a rate of 7 cents per hundred pounds upon a carload weight of 40,700 pounds, $34.60, that is to say, a total of $60.60, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Franklin Mills Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $60.60 as reparation for and on account of exaction by respondent of said unjust and unreasonable aggregate charge of $125.09.

[Case No. 874]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

I. S. HART, Complainant, *v.* NORTHERN CENTRAL RAILWAY COMPANY, Respondent. — Authority to refund $17.08.

Upon shipments made on September 21 and October 1, 1908, of two carloads of lumber over the Northern Central railway from Millport to Canandaigua within this State, respondent, Northern Central Railway Company, charged for the transportation thereof the sum of $68.32, the same being at the rate of 8 cents per hundred pounds upon an aggregate weight of 85,400 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff G. O., P. S. C., 2 N. Y., No. 81, filed with the Commission February 4, 1908. It appears that at the time said shipments moved respondent had in effect on said commodity a rate of $1.20 per net ton applying from Troy, Pa., to Canandaigua, Millport being intermediate thereto, but which rate was inapplicable to the shipments transported as aforesaid. Effective April 11, 1909, respondent established a rate of $1.20 per net ton on said commodity from Millport to Canandaigua, as shown in its tariff, K. K., P. S. C., 2 N. Y., No. 160, filed with the Commission March 10, 1909. Complainant claims, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.20 per net ton which was made effective April 11, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $68.32, the amount collected upon said shipments, and $51.24, the sum produced by a rate of $1.20 per net ton upon an aggregate weight of 85,400 pounds, that is to say, $17.08, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, I. S. Hart, is entitled to recover from respondent, Northern Central Railway Company, the sum of $17.08 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $68.32 for transportation of the shipments aforesaid.

[Case No. 875]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

H. R. GRAGG, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $19.50.

Upon a shipment made on October 8, 1908, of one carload of evaporated apples and apple waste from Alabama to Brighton within this State, via the West Shore railroad (leased to and operated by The New York Central

and Hudson River Railroad Company) and the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $40.50, the same being at the rate of 13½ cents per hundred pounds upon a carload weight of 30,000 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in West Shore railroad tariff P. S. C., 2 N. Y., No. 204, filed with the Commission September 24, 1907. Brighton station is within the corporate limits of the city of Rochester, N. Y., and respondent maintains freight stations at various points within said city. It appears that at the time said shipment moved respondent had in effect a rate of 7 cents per hundred pounds on said commodities applying from Alabama to Kent Street and Portland Avenue stations, Rochester, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1, filed August 20, 1907; also a rate of 7 cents per hundred pounds on apples applying from Alabama to Brinker Place and State Street stations, Rochester, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1202, filed with the Commission August 24, 1908. Effective December 14, 1908, a rate of 7 cents per hundred pounds on carload shipments of said commodities was established applying from Alabama to Brighton, as shown by supplement No. 6 to West Shore railroad tariff P. S. C., 2 N. Y., No. 1, which supplement was filed with the Commission November 13, 1908. Complainant claims, and respondent admits, that the said rate of 13½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 7 cents per hundred pounds which was made effective December 14, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $40.50, the amount collected upon said shipment, and $21, the sum produced by a rate of 7 cents per hundred pounds upon a carload weight of 30,000 pounds, that is to say, $19.50, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, H. R. Gragg, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $19.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $40.50 for transportation of the shipment aforesaid.

[Case No. 876]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THOMPSON MILLING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $12.50.

Upon a shipment made on September 16, 1908, of one carload of bran and middlings over the New York Central and Hudson River railroad from Middleport to Lowville within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $77.50, the same being at the rate of 15½ cents per hundred pounds upon a carload weight of 50,000 pounds. Such charge was made in accordance with effective rate on said commodity from said point of shipment to destination as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that at the time said

shipment moved respondent had in effect on said commodity a rate of 13 cents per hundred pounds applying from Lockport, N. Y., to Lowville, Middleport being intermediate thereto; and subsequently respondent established a rate on said commodity lower than 13 cents per hundred pounds applying from Middleport to Lowville. Complainant claims, and respondent admits, that the said rate of 15½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 13 cents per hundred pounds would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $77.50, the amount collected upon said shipment, and $65, the sum produced by a rate of thirteen cents per hundred pounds upon a carload weight of 50,000 pounds, that is to say, $12.50, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Thompson Milling Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $12.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $77.50 for transportation of the shipment aforesaid.

[Case No. 877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

GEO. J. MEYER MALTING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $76.54.

Upon shipments made during the period from May 13 to September 30, 1908, of eight carloads of malt over the New York Central and Hudson River railroad from Black Rock to Poughkeepsie within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $421.01, the same being at the rate of 11 cents per hundred pounds upon an aggregate weight of 382,740 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908. It appears that previous to May 7, 1908, respondent had in effect on said commodity a rate of 9 cents per hundred pounds from said point of shipment to destination, as shown in supplement No. 4 to its tariff P. S. C., 2 N. Y., No. 659, which tariff was canceled by said tariff P. S. C., 2 N. Y., No. 3672, and through clerical error therein said rate of 9 cents per hundred pounds was made inapplicable from Black Rock to Poughkeepsie; that this error was corrected in supplement No. 3 to said tariff P. S. C., 2 N. Y., No. 3672, effective October 3, 1908, issued under special permission order of the Commission No. 608, filed with the Commission October 1, 1908, which reëstablished said 9 cent rate from said point of shipment to destination. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that said rate of 9 cents per hundred pounds which was made effective October 3, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $421.01, the amount collected upon

said shipments, and $344.47, the sum produced by a rate of 9 cents per hundred pounds upon an aggregate weight of 382,740 pounds, that is to say, $76.54, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Geo. J. Meyer Malting Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $76.54 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $421.01 for transportation of the shipments aforesaid.

[Case No. 878]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

SCHENECTADY POWER COMPANY, Complainant, *v.* BOSTON AND MAINE RAILROAD and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $119.27.

Upon shipments made on January 2, 4, and 6, 1909, of five carloads of crushed stone from Pattersonville to Johnsonville within this State, via the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) and the Boston and Maine railroad, respondents, Boston and Maine Railroad and The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $299.26, the same being at the rate of 7½ cents per hundred pounds on respective carload weights of 80,000, 80,900, 94,600, 80,000, and 63,500 pounds, a total of 399,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in West Shore railroad tariff P. S. C., 2 N. Y., No. 796, filed with the Commission January 24, 1908. It appears that at the time said shipments moved there was in effect a rate of 85 cents per net ton on said commodity, carloads, minimum weight marked capacity of car, but not less than 40,000 pounds, from Pattersonville to Eagle Bridge, via the West Shore railroad and Boston and Maine railroad, Johnsonville being intermediate to said points, but which rate could not be applied on said shipments; also that previous to the movement of said shipments, respondent, The New York Central and Hudson River Railroad Company, applied to this Commission for authority to establish, effective on three days' advance notice, a rate of 85 cents per net ton on crushed stone from Pattersonville to Johnsonville, which application was granted under special permission order of the Commission No. 746, dated December 31, 1908, and became effective January 11, 1909, as shown in West Shore railroad tariff P. S. C., 2 N. Y., No. 1352, filed with the Commission January 7, 1909, as applied to carload shipments, minimum weight marked capacity of car, but not less than 40,000 pounds. It also appears that two of the cars used in the transportation of said shipments: namely, those specified as carrying carload weight of 80,900 and 94,600 pounds, respectively, were of marked capacity of 100,000 pounds each. Complainant claims, and respondents admit, that the said rate of 7½ cents per hundred pounds was excessive, and respondents further admit that the said rate of 85 cents per net ton applied on carload shipments, minimum weight marked capacity of car, but not less than 40,000 pounds, and which was made effective

January 11, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $299.26, the amount collected upon said shipments, and $179.99, the sum produced by a rate of 85 cents per net ton applied in accordance with the provisions of said West Shore railroad tariff P. S. C., 2 N. Y., No. 1352, and upon an aggregate weight of 423,500 pounds, that is to say, $119.27, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Schenectady Power Company, is entitled to recover from respondents, Boston and Maine Railroad and The New York Central and Hudson River Railroad Company, the sum of $119.27 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $299.26 for transportation of the shipments aforesaid.

[Case No. 879]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JACOB DOLD PACKING COMPANY, Complainant, *v.* BUFFALO AND SUSQUEHANNA RAILWAY COMPANY and BUFFALO, ATTICA AND ARCADE RAILROAD COMPANY, Respondents.

Authority to refund $15.80.

Upon shipments made on June 17 and 30, 1908, of two carloads of logs from Curriers to Sardinia within this State, via Buffalo, Attica and Arcade railroad and Buffalo and Susquehanna railway, respondents, Buffalo and Susquehanna Railway Company and Buffalo, Attica and Arcade Railroad Company, charged for the transportation thereof the sum of $40.80, the same being at the rate of 6 cents per hundred pounds upon an aggregate weight of 68,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in Buffalo, Attica and Arcade railroad tariff P. S. C., 2 N. Y., No. 35, filed with the Commission September 28, 1907. It appears that at the time said shipments moved there was in effect on said commodity a rate of $5 per car applying from Curriers to Arcade, N. Y., as shown in Buffalo, Attica and Arcade railroad tariff P. S. C., 2 N. Y., No. 16, filed with the Commission September 28, 1907, and effective July 26, 1908, a rate of $1.25 per thousand feet, carloads, on said commodity was established applying between Arcade and Sardinia as shown in Buffalo and Susquehanna railway tariff P. S. C., 2 N. Y., No. 108, filed with the Commission June 24, 1908, but neither said rates nor a combination thereof could be applied to the shipments in question. Effective February 13, 1909, a rate of $2.50 per thousand feet on said commodity, carloads, minimum 5000 feet, was established applying from Curriers to Sardinia, as shown in Buffalo, Attica and Arcade railroad tariff P. S. C., 2 N. Y., No. 83, filed with the Commission January 11, 1909. Complainant claims, and respondents admit, that the said rate of 6 cents per hundred pounds was excessive, and respondents further admit that the said rate of $2.50 per thousand feet, carloads, minimum 5000 feet, which was made effective February 13, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $40.80, the amount collected upon said shipments, and $25, the sum produced by a rate of $2.50 per thousand feet applied to an aggregate

minimum of two cars of 5000 feet each, that is to say, $15.80, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Jacob Dold Packing Company, is entitled to recover from respondents, Buffalo and Susquehanna Railway Company and Buffalo, Attica and Arcade Railroad Company, the sum of $15.80 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $40.80 for transportation of the shipments aforesaid.

[Case No. 880]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE JOS. JOSEPH & BROS. CO., Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, Respondents.

Authority to refund $17.50.

Upon a shipment made on August 1, 1908, of one carload of scrap iron transported from Oneonta to Poughkeepsie within this State, via The Delaware and Hudson Company's railroad and the New York Central and Hudson River railroad, respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, charged for the transportation thereof the sum of $91, the same being at the rate of $2.60 per gross ton upon a carload weight of 78,400 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 26, filed with the Commission August 31, 1907. It appears that at the time said shipment moved there was in effect a rate of $2.10 per gross ton on said commodity from Scranton, Pa., via Oneonta, to Poughkeepsie, and this rate was made effective from Oneonta to Poughkeepsie on carload shipments, minimum weight as per official classification, on September 14, 1908, as shown by The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 1684, filed with the Commission August 14, 1908. Complainant claims, and respondents admit, that the said rate of $2.60 per gross ton was excessive, and respondents further admit that the said rate of $2.10 per gross ton which was made effective from said point of shipment to destination on September 14, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $91, the amount collected upon said shipment, and $73.50, the sum produced by a rate of $2.10 per gross ton upon a carload weight of 78,400 pounds, that is to say, $17.50, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, The Jos. Joseph & Bros. Co., is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company, the sum of $17.50 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $91 for transportation of the shipment aforesaid.

[Case No. 881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HARMON PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondents.

Authority to refund $67.05.

Upon returned shipments of two and a fraction carloads of printing paper forwarded on November 6 and 9, 1908, from Cortland to Brownville within this State, via the Delaware, Lackawanna and Western railroad and the New York Central and Hudson River railroad, respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, charged complainant for the transportation thereof the sum of $200.29, the rate applicable thereto being fifth class, 20½ cents per hundred pounds, upon an aggregate weight of 98,700 pounds, in accordance with Delaware, Lackawanna and Western railroad tariff P. S. C., 2 N. Y., No. 290, filed with the Commission October 7, 1907. It appears that complainant during October, 1908, shipped from Brownville to Cortland four carloads of paper which were charged at the effective rate of 13½ cents per hundred pounds in accordance with New York Central and Hudson River railroad tariff P. S. C., 2 N. Y., No. 3492, filed with the Commission March 6, 1908; part of said consignments were refused by consignee and were returned from Cortland to Brownville and transportation charged at the effective rate then in force as above indicated. Effective March 22, 1909, a rate of 13½ cents per hundred pounds, carloads, was established on said commodity applying from Cortland to Brownville, as shown by Delaware, Lackawanna and Western railroad tariff P. S. C., 2 N. Y., No. 713, filed with the Commission February 18, 1909. Complainant claims, and respondents admit, that the said rate of 20½ cents per hundred pounds was excessive, and respondents further admit that the said rate of 13½ cents per hundred pounds which was made effective March 22, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $200.29, the amount collected upon said shipments, and $133.24, the sum produced by a rate of 13½ cents per hundred pounds upon an aggregate weight of 98,700 pounds, that is to say, $67.05, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Harmon Paper Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, the sum of $67.05, as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $200.29 for transportation of the shipments aforesaid.

[Case No. 882]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

ST. REGIS PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $9.78.

Upon a shipment made on January 14, 1909, of one carload of hay over the New York Central and Hudson River railroad from Great Bend to Fulton Chain within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $46.43, the same being at the rate of 19 cents per hundred pounds upon a carload weight of 24,435 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 460, filed with the Commission September 23, 1907. It appears that at the time said shipment moved respondent had in effect on said commodity, carloads, a rate of 15 cents per hundred pounds, from Chaumont, N. Y., to Fulton Chain, Great Bend being intermediate thereto, as shown in its tariff P. S. C., 2 N. Y., No. 4836, filed with the Commission September 28, 1908, but said rate was inapplicable to the shipment transported as aforesaid. Effective April 21, 1909, respondent established a rate of 15 cents per hundred pounds on said commodity, carloads, applying from Great Bend to Fulton Chain, as shown in its tariff P. S. C., 2 N. Y., No. 5448, filed with the Commission March 20, 1909. Complainant claims, and respondent admits, that the said rate of 19 cents per hundred pounds was excessive, and respondent further admits that the said rate of 15 cents per hundred pounds which was made effective April 21, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $46.43, the amount collected upon said shipment, and $36.65, the sum produced by a rate of 15 cents per hundred pounds upon a carload weight of 24,435 pounds, that is to say, $9.78, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, St. Regis Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $9.78 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $46.43 for transportation of the shipment aforesaid.

[Case No. 882]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

TAGGARTS PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $18.40.

Upon shipments made on January 22 and February 3, 1909, of two carloads of hay over the New York Central and Hudson River railroad from Great

Bend to Fulton Chain within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $87.40, the same being at the rate of 19 cents per hundred pounds upon an aggregate weight of 46,000 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 460, filed with the Commission September 23, 1907. It appears that at the time said shipments moved respondent had in effect on said commodity, carloads, a rate of 15 cents per hundred pounds, from Chaumont, N. Y., to Fulton Chain, Great Bend being intermediate thereto, as shown in its tariff P. S. C., 2 N. Y., No. 4836, filed with the Commission September 28, 1908, but said rate was inapplicable to the shipments transported as aforesaid. Effective April 21, 1909, respondent established a rate of 15 cents per hundred pounds on said commodity, carloads, applying from Great Bend to Fulton Chain, as shown in its tariff P. S. C., 2 N. Y., No. 5448, filed with the Commission March 20, 1909. Complainant claims, and respondent admits, that the said rate of 19 cents per hundred pounds was excessive, and respondent further admits that the said rate of 15 cents per hundred pounds which was made effective April 21, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $87.40, the amount collected upon said shipments, and $69, the sum produced by a rate of 15 cents per hundred pounds upon an aggregate weight of 46,000 pounds, that is to say, $18.40, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Taggarts Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $18.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $87.40 for transportation of the shipments aforesaid.

[Case No. 883]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

G. ELIAS & BROTHER, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $6.80.

Upon shipment made on September 25, 1908, of one carload of lumber from Castorland to Piermont within this State, via respondent's lines and Erie railroad, complainants were charged for the transportation thereof the aggregate sum of $56.10, upon a carload weight of 34,000 pounds, the same being at the rate of 11½ cents per hundred pounds from Castorland to West Haverstraw, N. Y., in accordance with respondent's tariff P. S. C., 2 N. Y., No. 1725, filed with the Commission September 25, 1907, and 5 cents per hundred pounds from West Haverstraw to Piermont in accordance with joint sixth-class rate contained in Erie Railroad Company tariff P. S. C., 2 N. Y., No. 14, filed with the Commission September 25, 1907. It appears that at the time said shipment moved there was in effect a joint commodity rate of 14½ cents per hundred pounds on lumber, carloads, applying from Carthage, N. Y., to Piermont, via West Haverstraw and the Erie railroad, as shown in respondent's tariff P. S. C., 2 N. Y., No. 880, filed with the Commission September 24, 1907; Castorland is intermediate to said last named points, but said 14½ cent rate was inapplicable to the shipment transported as aforesaid. Effective March 8, 1909, respondent, in connection with the Erie Railroad Company,

established a joint rate of 14½ cents per hundred pounds on lumber, carloads, minimum weight as per official classification, from Castorland to Piermont, as shown in respondent's tariff P. S. C., 2 N. Y., No. 5309, filed with the Commission February 5, 1909; it also appears that under said joint tariff the Erie Railroad Company still receives 5 cents per hundred pounds as its proportion of charges made. Complainants claim, and respondent admits, that the said combination rate of 16½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 14½ cents per hundred pounds, carloads, minimum weight as per official classification, which was made effective March 8, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $55.10, the amount collected upon said shipment, and $49.30, the sum produced by a rate of 14½ cents per hundred pounds upon a carload weight of 34,000 pounds, that is to say, $6.80, should be allowed to complainants upon said shipment, and that under said joint tariff, New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 5309, the Erie Railroad Company still receives 5 cents per hundred pounds as its proportion of charges made,

It is Ordered, that the complainants, G. Elias & Brother, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6.80 as reparation for and on account of exaction of said unjust and unreasonable charge of $56.10 for transportation of the shipment aforesaid.

[Case No. 638]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of FRANK LENAHAN & SON *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

Authority for adjustment of freight charges.

Formal complaint was filed with the Commission by Frank Lenahan & Son of Buffalo, N. Y., against The Delaware, Lackawanna and Western Railroad Company as to an alleged unjust and unreasonable rate of 2½ cents per hundred pounds sought to be imposed by respondent upon shipments of eleven carloads of scrap iron, of an aggregate weight of 490,000 pounds, moved by respondent during the months of May and June, 1908, from Elk and Ohio streets in the city of Buffalo to Abbott Road, also in said city in the vicinity of the junction of respondent's railroad and the New York, Chicago and St. Louis railroad, a distance of approximately two miles. It appears from the papers in the matter that respondent charged and collected from complainants on said shipments as aforesaid a rate of $3.50 per car, amounting in the aggregate to $38.50, which complainants contend was just and reasonable, and subsequently rendered bills based on said rate of 2½ cents per hundred pounds, amounting to $122.50, or $84 in addition to the $38.50 collected. A copy of the complaint was served upon respondent, answer received, and date set for hearing. Previous to the date set for hearing respondent proposed, and complainant accepted, a compromise rate of 30 cents per gross ton on said commodity to be applied to the shipments transported as aforesaid, which rate was made effective on March 12, 1909, in respondent's

tariff P. S. C., 2 N. Y., No. 705, filed with the Commission February 8, 1909. Said rate of 30 cents per gross ton applied to an aggregate weight of 490,000 pounds would result in a charge of $65.63, and the difference between $65.63 and $39.50, collected by respondent upon said shipments, amounts to $27.13. Upon the papers on file, including respondent's reduction of the rate challenged, its concession that the charge involved was excessive, and its admission of liability, and it appearing to the Commission that the relief sought by complainants should be granted,

It is Ordered, that the complainants, Frank Lenahan & Son are entitled to have the freight charge upon the shipments aforesaid adjusted by respondent, The Delaware, Lackawanna and Western Railroad Company, upon the basis of its said rate of 30 cents per gross ton, which it admits to be reasonable, instead of the said excessive rate of 2½ cents per hundred pounds in force at the time the shipments were moved.

[Case No. 901]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

WILLIAM MACK, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority for adjustment of freight charges.

Upon a shipment made on September 21, 1908, of one carload of sand over the New York Central and Hudson River Railroad and the Delaware, Lackawanna and Western railroad from Blossvale to Baldwinsville within this State, respondents, The Delaware, Lackawanna and Western Railroad Company and The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $89.31, the same being at the rate of 13 cents per hundred pounds upon a carload weight of 68,700 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in New York Central and Hudson River railroad tariff P. S. C., 2 N. Y., No. 2721, filed with the Commission October 30, 1907. At the time said shipment moved there was no joint rate on said commodity, carloads, in effect from said point of shipment to destination, and the effective sixth-class rate was necessarily applied. Effective February 8, 1909, in accordance with special permission order of the Commission No. 787, respondents established a joint rate on said commodity, carloads, minimum weight marked capacity of car, but not less than 40,000 pounds, of $1.20 per net ton from said point of shipment to destination, as shown in New York Central and Hudson River railroad tariff P. S. C., 2 N. Y., No. 5287, filed with the Commission February 4, 1909. Complainant claims, and respondents admit, that the said rate of 13 cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.20 per net ton which was made effective February 8, 1909, would be a just and reasonable charge applied to the shipment in question. Said rate of $1.20 per net ton applied to a carload weight of 68,700 pounds would result in a charge of $41.22. Upon the papers on file, including respondents' reduction of the rate challenged, their concession that the charge as originally applied was excessive, and their admission of liability, and it appearing to the Commission that the relief sought should be granted to complainant,

It is Ordered, that the complainant, William Mack, is entitled to have the freight charge upon the shipment aforesaid adjusted by respondents, The Delaware, Lackawanna and Western Railroad Company and The New York Central and Hudson River Railroad Company, upon the basis of their said rate of $1.20 per net ton which they admit to be reasonable instead of the said excessive rate of thirteen cents per hundred pounds in force at the time the shipment moved.

[Case No. 902]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

H. C. ALLEN, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $12.

Upon a shipment made on October 19, 1908, of one carload of bark over the New York Central and Hudson River railroad from Parish to Middleville within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $31.20, the same being at the rate of 13 cents per hundred pounds upon a carload weight of 24,000 pounds. Such charge was made in accordance with effective sixth-class rate, official classification, contained in respondent's tariff P. S. C., 2 N. Y., No. 460, filed with the Commission September 23, 1907. It appears that at the time said shipment moved respondent had in effect on said commodity, carloads, from Hastings, N. Y., the next station south of Parish, a rate of 8 cents per hundred pounds, as shown in its tariff P. S. C., 2 N. Y., No. 4273, filed with the Commission July 24, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective December 24, 1908, respondent established a rate of 8 cents per hundred pounds on said commodity from said point of shipment to destination, as shown in its tariff P. S. C., 2 N. Y., No. 5025, filed with the Commission November 23, 1908. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was made effective December 24, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $31.20, the amount collected upon said shipment, and $19.20, the sum produced by a rate of 8 cents per hundred pounds upon a carload weight of 24,000 pounds, that is to say, $12, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, H. C. Allen, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $12 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $31.20 for transportation of the shipment aforesaid.

[Case No. 903]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BUFFALO SAND COMPANY, Complainant, *v.* THE PENNSYLVANIA RAILROAD COMPANY, Respondent. — Authority to refund $27.95.

Upon shipments made on November 5 and 10, 1908, of two carloads of sand from Irving on the Pennsylvania railroad via Buffalo to North Tonawanda on the Erie railroad within this State, complainant, Buffalo Sand Company, was charged for the transportation thereof the sum of $74.52, the same being at the rate of 80 cents per net ton upon an aggregate weight of 186,300 pounds. Such charge was made in accordance with local rate of respondent from Irving to Buffalo of 40 cents per net ton as shown by its tariff S. S., P. S. C., 2 N. Y., No. 427, filed with the Commission July 23, 1908, and local rate of Erie Railroad Company from Buffalo to North Tonawanda of 40 cents per net ton as shown by its tariff P. S. C., 2 N. Y., No. 1043, filed with the Commission September 30, 1908. It appears that previous to the dates of said shipments the consignor was notified by agent of respondent at point of shipment that a through rate of 50 cents per net ton would be applied. This rate was given in good faith by said agent, but was in error due to mistake in telegram received by said agent from respondent's freight traffic representative. Effective March 6, 1909, respondent, in connection with Erie Railroad Company, established a joint rate of 50 cents per net ton on said commodity from said point of shipment to destination as shown by its tariff S. S., P. S. C., 2 N. Y., No. 493, filed with the Commission February 2, 1909. Complainant claims, and respondent admits, that the said rate of 80 cents per net ton was excessive, and respondent further admits that the said rate of 50 cents per net ton which was made effective March 6, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $74.52, the amount collected upon said shipments, and $46.57, the sum produced by a rate of 50 cents per net ton upon an aggregate weight of 186,300 pounds, that is to say, $27.95, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Buffalo Sand Company, is entitled to recover from respondent, The Pennsylvania Railroad Company, the sum of $27.95 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $74.52 for transportation of the shipments aforesaid.

[Case No. 904]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN A. BECKER, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $15.35.

Upon a shipment made on December 16, 1908, of one carload of rye over the New York Central and Hudson River railroad from Niskayuna to Castleton within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, John A. Becker, for the transportation thereof the sum of $40.93, the same being at the rate of 8 cents per hundred pounds upon a carload weight of 51,160 pounds. Such charge was made in accordance with effective rate on said commodity shown in respondent's tariff P. S. C., 2 N. Y., No. 4975. It appears that when said tariff was issued Niskayuna was shown as a station taking group No. 1 rates, and subject to reference note No. 1 on page 15 thereof, but through clerical error Niskayuna was omitted in the reference note referred to, and in consequence thereof the tariff did not provide that said 8 cent rate would not apply to shipments of said commodity from Niskayuna to Castleton, or that a rate of 5 cents per hundred pounds would apply, per tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, as apparently was intended. This error has been corrected as shown by respondent's tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission February 11, 1909, effective March 15, 1909. Complainant claims, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said rate of 5 cents per hundred pounds which was reëstablished March 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $40.93, the amount collected upon said shipment, and $25.58, the sum produced by a rate of 5 cents per hundred pounds upon a carload weight of 51,160 pounds, that is to say, $15.35, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, John A. Becker, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $15.35 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $40.93 for transportation of the shipment aforesaid.

[Case No. 922]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

KNOWLTON BROTHERS, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $2.23.

Upon two consignments of less than carload shipments of wrapping paper transported over the New York Central and Hudson River railroad from Watertown to Fayetteville within this State on January 5, 1909, of weight 1000 pounds, and from Watertown to New York Mills within this State on January 8, 1909, of weight 1100 pounds, respondent, The New York Central and Hudson River Railroad Company, exacted for the transportation thereof the aggregate sum of $5.88, the same being at a rate of 28 cents per hundred pounds. Such rate was charged in accordance with effective third-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1724, filed with the Commission September 25, 1907. It appears that at the time said consignments moved commodity rates were in force on less than carload shipments of paper from Watertown to various points on respondent's line, but not including Fayetteville and New York Mills. Effective March 26, 1909, respondent established commodity rates on paper, less than carloads, of 20 cents per hundred pounds from Watertown to Fayetteville, and 15 cents per hundred pounds from Watertown to New York Mills, as shown by its tariff P. S. C., 2 N. Y., No. 5348, filed with the Commission February 23, 1909. Complainants claim, and respondent admits, that the said rate of 28 cents per hundred pounds was excessive, and respondent further admits that the said rate of 20 cents per hundred pounds from Watertown to Fayetteville, and said rate of 15 cents per hundred pounds from Watertown to New York Mills, on less than carload shipments of said commodity, which were made effective March 26, 1909, would be just and reasonable charges applied to the consignments in question. It appearing to the Commission that reparation to the extent of the difference between $5.88, the amount collected upon said consignments, and $3.65, the aggregate of a rate of 20 cents per hundred pounds applied to said commodity of weight 1000 pounds transported from Watertown to Fayetteville as aforesaid, and a rate of 15 cents per hundred pounds applied to said commodity of weight 1100 pounds transported from Watertown to New York Mills as aforesaid, that is to say, $2.23, should be allowed to complainants upon said consignments,

It is Ordered, that the complainants, Knowlton Brothers, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $2.23 as reparation for and on account of exaction by respondent of said unjust and unreasonable aggregate charge of $5.88 for transportation of the consignments aforesaid.

[Case No. 923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CHEW BROTHERS, Complainants, *v.* THE PENNSYLVANIA RAILROAD COMPANY, Respondent.

Authority to refund $50.60.

Upon a shipment made on July 11, 1908, of one carload of gravel over the Pennsylvania railroad from Fowlerville to Olean within this State, respondent, The Pennsylvania Railroad Company, charged complainants, Chew Brothers, for the transportation thereof the sum of $80.96, the same being at the rate of 8 cents per hundred pounds upon a carload weight of 101,200 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff S. S., P. S. C., 2 N. Y., No. 25, filed with the Commission October 12, 1907. It appears that at the time said shipment moved respondent had in effect a rate of 60 cents per net ton, carloads, on said commodity, applying from Wadsworth Junction to Olean, Fowlerville being intermediate thereto, as shown by its tariff S. S., P. S. C., 2 N. Y., No. 405, filed with the Commission June 8, 1908, but which rate was inapplicable to said shipment transported as aforesaid. Said rate of 60 cents per net ton was subsequently made effective on said commodity from Fowlerville to Olean as shown in supplement No. 2 to respondent's tariff S. S., P. S. C., 2 N. Y., No. 427, filed with the Commission August 26, 1908, and is now in effect. Complainants claim, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said rate of 60 cents per net ton which was in effect from Wadsworth Junction to Olean at the time said shipment moved and subsequently made effective from Fowlerville to Olean as aforesaid would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $80.96, the amount collected upon said shipment, and $30.36, the sum produced by a rate of 60 cents per net ton upon a carload weight of 101,200 pounds, that is to say, $50.60, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, Chew Brothers, are entitled to recover from respondent, The Pennsylvania Railroad Company, the sum of $50.60 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $80.96 for transportation of the shipment aforesaid.

[Case No. 924]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

J. C. RITZAUR, Complainant, *v.* THE PENNSYLVANIA RAILROAD COMPANY, Respondent. — Authority for adjustment of freight charges.

Upon a shipment made on July 7, 1908, of one carload of gravel over the Pennsylvania railroad from Nova to Olean within this State, respondent, The Pennsylvania Railroad Company, charged complainant, J. C. Ritzaur, for the transportation thereof the sum of $90, the same being at the rate of 8 cents per hundred pounds upon a carload weight of 112,500 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff S. S., P. S. C., 2 N. Y., No. 25, filed with the Commission October 12, 1907. It appears that at the time said shipment moved respondent had in effect a rate of 75 cents per net ton on said commodity, carloads, applying from Wadsworth Junction to Olean, Nova being intermediate thereto, as shown by its tariff S. S., P. S. C., 2 N. Y., No. 381, filed with the Commission April 28, 1908, but which rate was inapplicable to said shipment transported as aforesaid. Effective July 11, 1908, a rate of 60 cents per net ton was made to apply to carload shipments of said commodity from Wadsworth Junction to Olean as shown in respondent's tariff S. S., P. S. C., 2 N. Y., No. 405, filed with the Commission June 8, 1908, and said rate of 60 cents per net ton was subsequently made to apply to carload shipments of said commodity from Nova to Olean as shown by supplement No. 1 to respondent's tariff S. S., P. S. C., 2 N. Y., No. 427, filed with the Commission July 29, 1908, and is now in effect. Complainant claims, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said rate of 75 cents per net ton which was in effect from Wadsworth Junction to Olean on the date said shipment moved and subsequently reduced between Nova and Olean as aforesaid would be a just and reasonable charge applied to the shipment in question. Said rate of 75 cents per net ton applied to a carload weight of 112,500 pounds would result in a charge of $42.19. Upon the papers on file, including respondent's reduction of the rate challenged, its concession that the charge as originally applied was excessive, and its admission of liability, and it appearing to the Commission that the relief sought should be granted to complainant,

It is Ordered, that the complainant, J. C. Ritzaur, is entitled to have the freight charge upon the shipment aforesaid adjusted by respondent, The Pennsylvania Railroad Company, upon the basis of its said rate of 75 cents per net ton which it admits to be reasonable instead of the said excessive rate of 8 cents per hundred pounds in force at the time said shipment moved.

[Case No. 939]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

WHITEHEAD BROTHERS COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Respondents.

Authority to refund $25.50.

Upon a shipment made on November 25, 1908, of one carload of moulding sand from Niskayuna, N. Y., over the New York Central and Hudson River railroad via Utica, N. Y., and over the New York, Ontario and Western railway to Westmoreland, N. Y., respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, charged for the transportation thereof the sum of $63, the same being at the rate of 10½ cents per hundred pounds upon a carload weight of 60,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity, carloads, as shown in joint class rate tariff of The New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 2699, filed with the Commission October 28, 1907. It appears that at the time said shipment moved there was in effect a rate of $1.25 per net ton on said commodity, carloads, applying from Schenectady, N. Y., via Utica to Westmoreland, Niskayuna being the first station east of Schenectady on the Troy and Schenectady branch of the New York Central and Hudson River railroad, as shown by The New York Central and Hudson River Railroad Company tariff P. S. C., 2 N. Y., No. 4078, filed with the Commission June 11, 1908, which said rate was inapplicable to the shipment transported as aforesaid. Respondent, The New York Central and Hudson River Railroad Company, admits that if its attention had been called to the fact that shipments of moulding sand were desired to be forwarded from Niskayuna to Westmoreland said rate of $1.25 would have been established and applied thereto. Effective January 28, 1909, a rate of $1.25 per net ton on said commodity, carloads, was established applying from Niskayuna to Westmoreland, as shown in The New York Central and Hudson River Railroad Company joint tariff in connection with New York, Ontario and Western Railway Company P. S. C., 2 N. Y., No. 5108, filed with the Commission December 26, 1908. Complainant claims, and respondents admit, that the said rate of 10½ cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.25 per net ton which was made effective January 28, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $63, the amount collected upon said shipment, and $37.50, the sum produced by a rate of $1.25 per net ton upon a carload weight of 60,000 pounds, that is to say, $25.50, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Whitehead Brothers Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, the sum of $25.50 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $63 for transportation of the shipment aforesaid.

[Case No. 940]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

INTERNATIONAL PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $664.20.

Upon shipments made during the period from December 25, 1908, to January 16, 1909, of 54 carloads of logs over the New York Central and Hudson River railroad from Horseshoe to Piercefield within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, International Paper Company, for the transportation thereof the sum of $826.20, the same being at the rate of 4½ cents per hundred pounds upon an aggregate weight of 1,836,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 4455, filed with the Commission August 27, 1908. It appears that during the period when said shipments moved respondent had in effect a rate of $3 per car on logs, carloads, applying from Horseshoe to Tupper Lake Junction, N. Y., Piercefield being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 3884, filed with the Commission May 9, 1908, but which rate was inapplicable to shipments of said commodity transported as aforesaid. Effective January 18, 1909, respondent established a rate of $3 per car on said commodity, carloads, applying from Horseshoe to Piercefield, as shown by its tariff P. S. C., 2 N. Y., No. 5091, filed with the Commission December 17, 1908. Complainant claims, and respondent admits, that the said rate of 4½ cents per hundred pounds was excessive, and respondent further admits that the said rate of $3 per car which was made effective January 18, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $826.20, the amount collected upon said shipments, and $162, the sum produced by a rate of $3 per car upon 54 cars, that is to say, $664.20, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, International Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $664.20 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $826.20 for transportation of the shipments aforesaid.

[Case No. 943]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

THE THOMAS KEERY CHARCOAL COMPANY, Complainant, *v.* NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY and DELAWARE AND EASTERN RAILWAY COMPANY, Respondents.

Authority to refund $7.86.

Upon a shipment made on February 16, 1909, of one carload of charcoal over the Delaware and Eastern railway and the New York, Ontario and Western railway from Harvard, via East Branch to Rome within this State, respondents, New York, Ontario and Western Railway Company and Delaware and Eastern Railway Company, charged for the transportation thereof the sum of $44, the same being at the rate of $2.80 per net ton upon a carload weight of 31,430 pounds. Such charge was made in accordance with sixth-class joint rate on said commodity, carloads, as shown in Delaware and Eastern Railway Company's joint class rate tariff P. S. C., 2 N. Y., No. 26, filed with the Commission October 26, 1907. It appears that at the time said shipment moved there was in effect on charcoal a local commodity rate of 30 cents per net ton, carloads, applying from Harvard to East Branch as shown by Delaware and Eastern Railway Company's tariff P. S. C., 2 N. Y., No. 58, filed with the Commission December 7, 1907, and a rate of $2 per net ton, carloads, applying from East Branch to Rome as shown by New York, Ontario and Western Railway Company's tariff P. S. C., 2 N. Y., No. 1128, filed with the Commission October 23, 1908, which said local rates or a combination thereof were inapplicable to a shipment transported as aforesaid. Effective April 26, 1909, in accordance with ruling of the Commission, said joint rate of $2.80 per net ton was reduced to equal the sum of said local rates or $2.30 per net ton on said commodity, carloads, from said point of shipment to destination as shown by Delaware and Eastern Railway Company's tariff P. S. C., 2 N. Y., No. 114, issued in connection with New York, Ontario and Western Railway Company, filed with the Commission April 23, 1909. Complainant claims, and respondents admit, that the said rate of $2.80 per net ton was excessive, and respondents further admit that the said rate of $2.30 per net ton which was made effective April 26, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $44, the amount collected upon said shipment, and $36.14, the sum produced by a rate of $2.30 per net ton upon a carload weight of 31,430 pounds, that is to say, $7.86, should be allowed to complainant upon said shipment,

It is Ordered, that complainant, The Thomas Keery Charcoal Company, is entitled to recover from respondents, New York Ontario and Western Railway Company and Delaware and Eastern Railway Company, the sum of $7.86 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $44 for transportation of the shipment aforesaid.

[Case No. 944]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
Commissioners.

Henry Harrison Company, Complainant, *v.* The New York Central and Hudson River Railroad Company, Respondent. — Authority to refund $2.97.

Upon a shipment made on February 12, 1908, of fifteen bags of beans over the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad from Morton to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $5.94, the same being at the rate of 24 cents per hundred pounds on an aggregate weight of 2475 pounds. Such charge was made in accordance with effective fourth-class rate on said commodity, less than carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 2737, filed with the Commission October 31, 1907. It appears that at the time said shipment moved respondent had in effect a rate of 12 cents per hundred pounds on said commodity in less than carloads applying over said division from Suspension Bridge, N. Y., to Syracuse, Morton being intermediate thereto, as shown in correction 15 to its tariff P. S. C., 2 N. Y., No. 2737, filed with the Commission October 31, 1907, but which rate was inapplicable to the shipment transported as aforesaid; that since August 1, 1908, there have been no class rates in force from Suspension Bridge to Syracuse over said division. The present fourth-class rate on said commodity, less than carloads, from Morton to Syracuse, is 14 cents per hundred pounds as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. Complainant claims, and respondent admits, that the said rate of 24 cents per hundred pounds was excessive, and respondent further admits that the said rate of 12 cents per hundred pounds which was in force from Suspension Bridge to Syracuse at the time said shipment moved would have been a just and reasonable charge applied to the shipment in question from Morton, an intermediate point. It appearing to the Commission that reparation to the extent of the difference between $5.94, the amount collected upon said shipment, and $2.97, the sum produced by a rate of 12 cents per hundred pounds upon an aggregate weight of 2475 pounds, that is to say, $2.97, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Henry Harrison Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $2.97 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $5.94 for transportation of the shipment aforesaid.

[Case No. 945]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

F. F. REBSCHER, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $49.50.

Upon shipments made, respectively on April 25 and May 9, 1908, of two carloads of hay over the New York Central and Hudson River railroad from Redwood to Benson Mines within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $123.75, the same being at the rate of 25 cents per hundred pounds upon an aggregate weight of 49,500 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2916, filed with the Commission December 2, 1907. It appears that at the time said shipments moved respondent had in effect on hay, carloads, a commodity rate of 15 cents per hundred pounds applying from various stations on respondent's line in the vicinity of Redwood to Benson Mines, and respondent states that if request had been made therefor prior to the movement of the shipments aforesaid said rate of 15 cents per hundred pounds would have been applied from said point of shipment to destination. Effective August 1, 1908, respondent established a rate of 11½ cents per hundred pounds on said commodity, carloads, from said point of shipment to destination, as shown by its tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908, and is now in effect. Complainant claims, and respondent admits, that the said rate of 25 cents per hundred pounds was excessive, and respondent further admits that the said rate of 15 cents per hundred pounds which was in effect on said commodity from various stations in the vicinity of Redwood to Benson Mines at the time said shipments moved and which was subsequently reduced, applying from Redwood to Benson Mines as aforesaid, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $123.75, the amount collected upon said shipments, and $74.25, the sum produced by a rate of 15 cents per hundred pounds upon an aggregate weight of 49,500 pounds, that is to say, $49.50, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, F. F. Rebscher, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $49.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $123.75 for transportation of the shipments aforesaid.

[Case No. 946]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

BAHRENBURG & BECKWITH, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $364.96.

Upon shipments made on March 8, 10, and 11, 1909, of fifteen carloads of ice over the New York Central and Hudson River railroad from Furniss to Carlton within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, Bahrenburg & Beckwith, for the transportation thereof the sum of $729.91, the same being at the rate of 8½ cents per hundred pounds upon aggregate weight involved of 858,700 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity, carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that prior to the dates on which said shipments moved complainants accepted quotation of rate made by respondent's agent of 85 cents per net ton on said commodity in carloads from said point of shipment to destination, with the understanding that said rate would be established in time to permit of the prompt transportation of said commodity; that delay ensued in the publication of the tariff containing said rate of 85 cents per net ton until after said shipments had been transported as aforesaid. Effective March 14, 1909, in accordance with special permission orders of the Commission Nos. 834, 844, and 851, respondent established a rate of 85 cents per net ton on said commodity, carloads, applying from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5382, filed with the Commission March 12, 1909. Complainants claim, and respondent admits, that the said rate of 8½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 85 cents per net ton which was made effective March 14, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $729.91, the amount collected upon said shipments, and $364.95, the sum produced by a rate of 85 cents per net ton upon an aggregate weight of 858,700 pounds, that is to say, $364.96, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Bahrenburg & Beckwith, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $364.96 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $729.91 for transportation of the shipments aforesaid.

[Case No. 947]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

HORSEHEADS BRICK COMPANY, Complainant, *v.* THE PENNSYLVANIA RAILROAD COMPANY, Respondent. — Authority to refund $41.65.

Upon shipments made on April 11 and 15, 1908, of two carloads of brick over that portion of the Pennsylvania Railroad Company's system from Elmira to Watkins within this State, respondent, The Pennsylvania Railroad Company, charged for the transportation thereof the sum of $111.06, the same being at the rate of 6 cents per hundred pounds upon an aggregate weight of 185,100 pounds. Such charge was made in accordance with effective rate on said commodity, carloads, as shown in respondent's tariff G. O., P. S. C., 2 N. Y., No. 81, filed with the Commission February 4, 1908. It appears that prior to April 1, 1908, respondent had in effect a rate of 75 cents per net ton on said commodity, carloads, from said point of shipment to destination, in accordance with said last named tariff, which rate was removed by supplement No. 1 to said tariff, filed with the Commission February 29, 1908. Effective May 27, 1908, respondent reëstablished said rate of 75 cents per net ton applying on carload shipments of said commodity from said point of shipment to destination as shown by its tariff K. K., P. S. C., 2 N. Y., No. 113, filed with the Commission April 25, 1908, and this rate is now in effect. Complainant claims, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said rate of 75 cents per net ton which was reëstablished on May 27, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $111.06, the amount collected upon said shipments, and $69.41, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 185,100 pounds, that is to say, $41.65, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Horseheads Brick Company, is entitled to recover from respondent, The Pennsylvania Railroad Company, the sum of $41.65 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $111.06 for transportation of the shipments aforesaid.

[Case No. 950]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

STEWART-KERBAU H-SHANLEY COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY, Respondents. — Authority to refund $274.46.

During the period from June 22 to July 13, 1908, eight carloads of crushed stone were transported from Solvay, N. Y., over the New York Central and

Hudson River railroad, via Auburn, N. Y., and the Lehigh Valley railroad to Cato, N. Y., for the transportation of which respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, charged complainant, Stewart-Kerbaugh-Shanley Company, the sum of $610.90, the car numbers, respective weights, rate, and charges involved being as follows:

Car number and initials.	Weight.	Rate per net ton.	Charges.
NYC 71059	72,380 lbs.	$1 90	$68 86
NYC 74413	72,040 lbs.	1 90	68 44
NYC 75051	82,200 lbs.	1 90	78 09
P&LE 8668	77,540 lbs.	1 90	73 66
NYC 72862	83,680 lbs.	1 90	79 60
NYC 75753	82,000 lbs.	1 90	77 90
NYC 71135	85,000 lbs.	1 90	80 75
NYC 33748	88,000 lbs.	1 90	83 60
Total			$610 90

Said rate of $1.90 per net ton was charged in accordance with effective sixth-class rate on said commodity, carloads, as shown in The New York Central and Hudson River Railroad Company's tariff P. S. C., 2 N. Y., No. 652, filed with the Commission September 23, 1907, which tariff was issued jointly with Lehigh Valley Railroad Company. It appears that subsequent to the date when the first of said shipments moved complainant applied to The New York Central and Hudson River Railroad Company for a commodity rate on crushed stone in carloads to be applied from said point of shipment to destination; that delay in the transmission and consideration of complainant's application ensued, and effective July 25, 1908, a special commodity rate of $1 per net ton was established on crushed stone, carloads, minimum weight to be marked capacity of car, but not less than 40,000 pounds, applying from said point of shipment to destination as shown by The New York Central and Hudson River Railroad Company tariff P. S. C., 2 N. Y., No. 4139, issued jointly with Lehigh Valley Railroad Company, filed with the Commission June 24, 1908. Complainant claims, and respondents admit, that the said rate of $1.90 per net ton was excessive, and respondents further admit that the said rate of $1 per net ton which was made effective July 25, 1908, applied to shipments of crushed stone, carloads, minimum weight to be marked capacity of car, but not less than 40,000 pounds, would be a just and reasonable charge applied to the shipments in question. Said rate of $1 per net ton, if applied to the marked capacity or loaded weight of said cars which were used in the transportation of said shipments in accordance with the requirements of the tariff containing said reduced rate, would result as follows:

Car number and initials.	Marked capacity or loaded weight.	Rate.	Charges.
NYC 71059	80,000 lbs.	$1 00	$40 00
NYC 74413	80,000 lbs.	1 00	40 00
NYC 75051	82,200 lbs.	1 00	41 10
P&LE 8668	80,000 lbs.	1 00	40 00
NYC 72862	83,680 lbs.	1 00	41 84
NYC 75753	82,000 lbs.	1 00	41 00
NYC 71135	85,000 lbs.	1 00	42 50
NYC 33748	100,000 lbs.	1 00	50 00
Total			$336 44

It appearing to the Commission that reparation to the extent of the difference between $610.90, the amount collected upon said shipments, and $336.44, the sum produced by a rate of $1 per net ton applied to shipments as aforesaid, and in accordance with said tariff of The New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 4139, that is to say, $274.46, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Stewart-Kerbaugh-Shanley Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and Lehigh Valley Railroad Company, the sum of $274.46 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $610.90 for transportation of the shipments aforesaid.

[Case No. 951]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

L. G. LOOMIS & SON, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $20.68.

During September and October, 1908, complainants, L. G. Loomis & Son, shipped consignments of oats over the New York Central and Hudson River railroad from Holcomb to Syracuse and Herkimer within this State, for the transportation of which, respondent, The New York Central and Hudson River Railroad Company, exacted payment as follows:

September 21, 1908, from Holcomb to Syracuse, one carload, weight 41,791 pounds, at seven cents per hundred pounds	$29 25
October 16, 1908, from Holcomb to Herkimer, one carload, weight 40,700 pounds, at nine cents per hundred pounds	36 63
Total	$65 88

Said charges were made in accordance with effective rates on said commodity, carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 1115, filed with the Commission September 23, 1907. As to the shipment from Holcomb to Syracuse, respondent states that it advised complainant in January, 1908, that a rate of 4 cents per hundred pounds would be established on said commodity, carloads, from Holcomb to Syracuse, but through inadvertence said rate of 4 cents per hundred pounds was not established until after said shipment moved and did not become effective until March 15, 1909, as shown in respondent's tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission February 11, 1909. As to the shipment from Holcomb to Herkimer, it appears that on the date on which said shipment moved respondent had in effect a rate of 7 cents per hundred pounds on said commodity, carloads, applying from Holcomb to Schenectady, N. Y., Herkimer being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 4975, filed with the Commission November 2, 1908, but said rate of 7 cents per hundred pounds was inapplicable to said shipment transported as aforesaid; that effective March 15, 1909, respondent established a rate of 7 cents per hundred pounds on said commodity, carloads, from Holcomb to Herkimer as shown by its tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission February 11, 1909. Complainants claim, and respondent admits, that the said rates originally applied to said shipments, and which resulted in a total charge of $65.88 as aforesaid, were excessive. Respondent further admits that said reduced rates on said commodity which were made effective March 15, 1909, from said point of shipment to destinations would be just and reasonable charges applied to the shipments in question, and which would result as follows:

To Syracuse, carload shipment, weight 41,791 pounds, at four cents per hundred pounds	$16 71
To Herkimer, carload shipment, weight 40,700 pounds, at seven cents per hundred pounds	28 49
Total	$45 20

It appearing to the Commission that reparation to the extent of the difference between said total charge of $65.88 as originally applied and collected on said shipments, and $45.20, the sum produced by said reduced rates as hereinabove described, that is to say, $20.68, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, L. G. Loomis & Son, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $20.68 as reparation for and on account of exaction by respondent of said unjust and unreasonable total charge of $65.88 for transportation of the shipments aforesaid.

[Case No. 952]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

E. V. PEIRSON & COMPANY, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $4.80.

Upon a shipment made on February 4, 1909, of one carload of wheat over the New York Central and Hudson River railroad from Buffalo to Newark within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, E. V. Peirson & Company, for the transportation thereof the sum of $28.80, the same being at the rate of 6 cents per hundred pounds upon a carload weight of 48,000 pounds. Such charge was made in accordance with effective rate on said commodity, carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 4975, filed with the Commission November 2, 1908. It appears that on the date said shipment moved a rate of 5 cents per hundred pounds was in effect on said commodity, carloads, from said point of shipment to destination via the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) as shown in West Shore railroad tariff P. S. C., 2 N. Y., No. 1290, filed with the Commission October 1, 1908; that when said tariff of The New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 4975 was issued respondent intended that the rate on said commodity from said point of shipment to destination should be established at 5 cents per hundred pounds, but through error a rate of 6 cents per hundred pounds was established instead. Effective March 15, 1909, respondent established a rate of 5 cents per hundred pounds on said commodity, carloads, from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission February 11, 1909. Complainants claim, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said rate of 5 cents per hundred pounds which was made effective March 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $28.80, the amount collected upon said shipment, and $24, the sum produced by a rate of 5 cents per hundred pounds upon a carload weight of 48,000 pounds, that is to say, $4.80, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, E. V. Peirson & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $4.80 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $28.80 for transportation of the shipment aforesaid.

[Case No. 954]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

E. & W. G. BREITHAUPT, Complainants, *v.* THE ULSTER AND DELAWARE RAILROAD COMPANY, Respondent. — Authority to refund $15.37.

Upon a shipment made on or about March 20, 1909, of one carload of hay from Milford, N. Y., on the Cooperstown and Charlotte Valley railroad, via Oneonta, N. Y., and over the Ulster and Delaware railroad to Phœnicia, N. Y., respondent, The Ulster and Delaware Railroad Company, charged complainants, E. & W. G. Breithaupt, for the transportation of said commodity from Oneonta to Phœnicia the sum of $41.91, the same being at the rate of 15 cents per hundred pounds on a carload weight of 27,940 pounds. Such charge was made in accordance with effective local fifth-class rate on said commodity, carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 22, filed with the Commission December 31, 1908. It appears that prior to February 1, 1909, respondent had in effect a commodity rate of $1.90 per net ton on hay, carloads, from Oneonta to Phœnicia, as shown by its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 28, 1907; that effective March 25, 1909, respondent established a commodity rate of $1.80 per net ton on hay, carloads, from Oneonta to Phœnicia, as shown by its tariff P. S. C., 2 N. Y., No. 23, filed with the Commission February 20, 1909, and that the effective rate on said commodity during the period between February 1 and March 25, 1909, from Oneonta to Phœnicia was 15 cents per hundred pounds as aforesaid. Complainants claim, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.90 per net ton which was in effect on carload shipments of said commodity from Oneonta to Phœnicia shortly before said shipment moved and which was subsequently reduced to $1.80 per net ton as aforesaid, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $41.91, the amount collected upon said shipment, and $26.54, the sum produced by a rate of $1.90 per net ton upon a carload weight of 27,940 pounds, that is to say, $15.37, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, E. & W. C. Breithaupt, are entitled to recover from respondent, The Ulster and Delaware Railroad Company, the sum of $15.37 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $41.91 for transportation of the shipment aforesaid.

[Case No. 953]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

H. R. GRAGG, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $12.74.

Upon a less carload shipment of evaporated apples of weight 9100 pounds made on October 14, 1908, over the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) from Palmyra to Brighton within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, H. R. Gragg, for the transportation thereof the sum of $20.93. Such charge was in accordance with effective third-class rate of 23 cents per hundred pounds on said commodity as shown in West Shore railroad joint tariff P. S. C., 2 N. Y., No. 204, issued in connection with respondent, filed with the Commission September 24, 1907. It appears that at the time said shipment moved a rate of 9 cents per hundred pounds on said commodity in less carload shipments was in effect between said point of shipment and destination on the New York Central and Hudson River railroad as shown by respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907; that subsequent to the date of said shipment a rate of 10 cents per hundred pounds was established on said commodity in less carload shipments applying over the West Shore railroad from said point of shipment to destination as shown by supplement No. 6 to West Shore railroad tariff P. S. C., 2 N. Y., No. 1, filed with the Commission November 13, 1908; that effective May 28, 1909, a rate of 9 cents per hundred pounds was established on said commodity in less carload shipments applying over the West Shore railroad from said point of shipment to destination as shown by supplement No. 7 to West Shore railroad tariff P. S. C., 2 N. Y., No. 1, filed with the Commission April 27, 1909. Complainant claims, and respondent admits, that the said rate of 23 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective May 28, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $20.93, the amount collected upon said shipment, and $8.19, the sum produced by a rate of 9 cents per hundred pounds upon a weight of 9100 pounds, that is to say, $12.74, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, H. R. Gragg, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $12.74, as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $20.93 for transportation of the shipment aforesaid.

[Case No. 955]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE C. W. PEARSON COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $23.92.

Upon a shipment made on March 5, 1909, of one carload of wheat over the New York Central and Hudson River railroad from Ransomville to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $59.79, the same being at the rate of 10 cents per hundred pounds upon a corrected carload weight of 59,790 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that prior to March 3, 1909, respondent had in effect on said commodity a rate of 7 cents per hundred pounds, carloads, from said point of shipment to destination as shown by supplement No. 1 to its tariff P. S. C., 2 N. Y., No. 3004, filed with the Commission January 22, 1908; that respondent intended to include in its tariff P. S. C., 2 N. Y., No. 5270, effective March 3, 1909, a rate of 6 cents per hundred pounds on said commodity, carloads, from said point of shipment to destination, but through inadvertence failed to do so; that as soon as the error was discovered respondent, in accordance with special permission order of the Commission No. 890, issued supplement No. 1 to its said tariff P. S. C., 2 N. Y., No. 5270, effective April 1, 1909, filed with the Commission March 30, 1909, which established a rate of 6 cents per hundred pounds on said commodity from said point of shipment to destination. Complainant claims, and respondent admits, that the said rate of 10 cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds which was made effective April 1, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $59.79, the amount collected upon said shipment, and $35.87, the sum produced by a rate of 6 cents per hundred pounds upon a carload weight of 59,790 pounds, that is to say, $23.92, should be allowed to complainant upon said shipment,

It is Ordered, that complainant, The C. W. Pearson Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $23.92 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of 59.79 for transportation of the shipment aforesaid.

[Case No. 957]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

MICHAEL COHEN & COMPANY, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $48.65.

Upon a shipment made on December 21, 1908, of one carload of blue stone over the Erie railroad from Rock Glen, N. Y., and via Attica, N. Y., over the New York Central and Hudson River railroad to Port Morris, N. Y., respondent, The New York Central and Hudson River Railroad Company, charged as its proportion for the transportation thereof the sum of $145.95, the same being at the rate of 15 cents per hundred pounds on a carload weight of 97,300 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity applying from Attica to Port Morris as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that Port Morris is within the corporate limits of the city of New York; that at the time said shipments moved there was in effect on carload shipments of said commodity a rate of $2.60 per net ton applying from Rock Glen, N. Y., to New York city, via respondent's railroad, including lighterage, as shown in Erie Railroad Company tariff P. S. C., 2 N. Y., No. 599, filed with the Commission December 27, 1907, but which rate was inapplicable to the shipment transported as aforesaid. Effective February 11, 1909, a rate of $2.60 per net ton was established on said commodity, carloads, from said point of shipment to destination, as shown by Erie Railroad Company tariff P. S. C., 2 N. Y., No. 1107, filed with the Commission January 9, 1909, respondent's proportion of the rate being $2 per net ton. Complainant claims, and respondent admits, that the said rate of 15 cents per hundred pounds as applied from Attica to Port Morris was excessive, and respondent further admits that its proportion of $2 of said reduced rate of $2.60 per net ton which was made effective on February 11, 1909, would be a just and reasonable charge applied to the shipment in question from Attica to Port Morris. It appearing to the Commission that reparation to the extent of the difference between $145.95, the amount collected by respondent as its proportion of the charge for the transportation of said shipment as aforesaid, and $97.30, the sum produced by respondent's proportion of $2 of said reduced rate of $2.60 per net ton, that is to say, $48.65, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, Michael Cohen & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $48.65 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $145.95 for transportation of the shipment aforesaid.

[Case No. 958]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

LYONS BEET SUGAR REFINING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $36.18.

Upon shipments made on November 5, 7, 9, and 12, 1908, of five carloads of sugar beets over the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) from Newark to Lyons within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Lyons Beet and Sugar Refining Company, for the transportation thereof the sum of $96.48, the same being at the rate of 4 cents per hundred pounds upon an aggregate weight of 241,200 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in West Shore railroad tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that during the period said shipments moved there was in effect on said commodity, carloads, a rate of 50 cents per net ton over the New York Central and Hudson River railroad from said point of shipment to destination as shown by respondent's tariff P. S. C., 2 N. Y., No. 4145, filed with the Commission June 27, 1908, and during the same period there was also in effect on said commodity, carloads, a rate of 50 cents per net ton over the West Shore railroad from Port Gibson, N. Y., to Lyons, N. Y., Newark being intermediate thereto, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1041, filed with the Commission July 16, 1908, but which rate was inapplicable to the shipments transported as aforesaid. Effective November 25, 1908, in accordance with special permission order of the Commission No. 707, a rate of 50 cents per net ton was established on said commodity, carloads, applying over the West Shore railroad from said point of shipment to destination as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1320, filed with the Commission November 23, 1908. Complainant claims, and respondent admits, that the said rate of 4 cents per hundred pounds was excessive, and respondent further admits that the said rate of 50 cents per net ton which was made effective November 25, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $96.48, the amount collected upon said shipments, and $60.30, the sum produced by a rate of 50 cents per net ton upon an aggregate weight of 241,200 pounds, that is to say, $36.18, should be allowed to complainants upon said shipments,

It is Ordered, that the complainant, Lyons Beet Sugar Refining Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $36.18 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $96.48 for transportation of the shipments aforesaid.

[Case No. 959]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

WINDHOLZ COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $4.39.

Upon a shipment made on October 6, 1908, of one carload of vinegar over the New York Central and Hudson River railroad from Syracuse to Newark within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $30.73, the same being at the rate of 7 cents per hundred pounds upon a carload weight of 43,900 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that on the date said shipment moved there was in effect on said commodity, carloads, a rate of 6 cents per hundred pounds applying from Syracuse to Rochester, N. Y., Newark being intermediate thereto, as shown by respondent's tariff P. S. C., 2 N. Y., No. 798, filed with the Commission September 23, 1907, but which rate was inapplicable to the shipment transported as aforesaid. Effective May 27, 1909, respondent established a rate of 5½ cents per hundred pounds on carload shipments of said commodity applying from said point of shipment to destination as shown in supplement No. 2 to its tariff P. S. C., 2 N. Y., No. 5202, filed with the Commission April 26, 1909. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds which was in effect on carload shipments of said commodity from Syracuse to Rochester as aforesaid, and which has since been reduced as applied to shipments of said commodity from Syracuse to Newark, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference betweeen $30.73, the amount collected upon said shipment, and $26.34, the sum produced by a rate of 6 cents per hundred pounds upon a carload weight of 43,900 pounds, that is to say, $4.39, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Windholz Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $4.39 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $30.73 for transportation of the shipment aforesaid.

[Case No. 814]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ALBERT DODGE, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $6.91.

Formal complaint was filed with the Commission by Albert Dodge of Buffalo, N. Y., against The New York Central and Hudson River Railroad Company as to an alleged unjust and unreasonable rate of 30 cents per net ton exacted by respondent for switching two carloads of cement building blocks of an aggregate weight of 139,400 pounds on November 24 and December 8, 1906, respectively, from a private sidetrack in the city of Buffalo designated by complainant as "The Wood Products Company's switch" on the line of respondent to its connection with the Buffalo Creek railroad at East Buffalo, N. Y., the shipments moving thence over the Buffalo Creek railroad and Buffalo and Susquehanna railway to their destination at the village of Hamburg, N. Y., the aggregate amount exacted by respondent being $20.91, under supplement No. 3 to its tariff P. S. C., 2 N. Y., No. 1097, filed with the Commission October 1, 1907. It appears that on the dates on which said shipment moved respondent had in effect a switching charge of $5 per car applying to certain firms or industries, including the Wood Products Company, situated on the private sidetrack used by complainant to connection of respondent's line with the Buffalo Creek railroad at East Buffalo, N. Y., as shown by its tariff P. S. C., 2 N. Y., No. 1097, filed with the Commission September 25, 1907; also that a switching rate of 30 cents per net ton was in force applying from public team tracks adjoining said private sidetrack to connection at East Buffalo with the Buffalo Creek railroad as shown by said supplement No. 3 to respondent's tariff P. S. C., 2 N. Y., No. 1097, filed with the Commission October 1, 1907. Complainant contended that said switching charge of $5 per car should have been applied to the shipments in question, inasmuch as they were accepted and moved from the private sidetrack aforesaid, which respondent denied. Copy of the complaint was served on respondent and answer received. Subsequent to the filing of formal answer and before hearing in the matter was set, respondent notified the Commission that inasmuch as it had reduced its charge for switching carload freight from its public team tracks adjoining the private sidetrack aforesaid to its connection with the Buffalo Creek railroad at East Buffalo from 30 cents per net ton to $7 per car as shown in its tariff P. S. C., 2 N. Y., No. 5015, effective December 15, 1908, filed with the Commission November 13, 1908, it was willing to award reparation to complainant based on the difference between the charge exacted as aforesaid and said rate of $7 per car. Complainant notified the Commission that the amount of reparation conceded by respondent was satisfactory to it. It appearing to the Commission that said switching rate of 30 cents per net ton was unreasonable and unjust and that reparation to the extent of the difference between $20.91, the amount exacted by respondent upon said shipments, and $14, the sum produced by said switching charge of $7 per car upon two cars, that is to say, $6.91, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Albert Dodge, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6.91 as reparation for and on account of exaction by rspondent of said unjust and unreasonable charge of $20.91 for switching service rendered as aforesaid.

[Case No. 964]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of June, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

Osborne-Miller Company, Complainant, *v.* The New York Central and Hudson River Railroad Company, Respondent.

Authority to refund $23.40.

Upon a shipment made on April 13, 1908, of one carload of oats over the New York Central and Hudson River railroad from Palmyra to State Street station, Rochester, within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Osborne-Miller Company, for the transportation thereof the sum of $42.90, the same being at the rate of 11 cents per hundred pounds upon a carload weight of 39,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that on the date said shipment moved respondent had in effect on carload shipments of said commodity a rate of 4 cents per hundred pounds applying from Palmyra to Kent Street station and Portland Avenue station, Rochester, as shown in its tariff P. S. C., 2 N. Y., No. 3310, filed with the Commission February 4, 1908, which rate was inapplicable to the shipment transported as aforesaid; that effective August 1, 1908, respondent established sixth-class rate of 5 cents per hundred pounds on said commodity, carloads, applying from Palmyra to State Street station, Rochester, as shown by supplement No. 2 to its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission July 1, 1908. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 5 cents per hundred pounds which was made effective August 1, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $42.90, the amount collected upon said shipment, and $19.50, the sum produced by a rate of 5 cents per hundred pounds upon a carload weight of 39,000 pounds, that is to say, $23.40, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Osborne-Miller Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $23.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $42.90 for transportation of the shipment aforesaid.

[Case No. 966]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of June, 1908.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

D. E. DEMPSEY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $639.86.

Upon shipments made on March 12 and 13, 1909, of thirty-two carloads of ice over the New York Central and Hudson River railroad from Furniss to Geneva within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant D. E. Dempsey, for the transportation thereof the sum of $1345.84, the same being at the rate of 8 cents per hundred pounds upon an aggregate weight of 1,682,300 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity, carloads, as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that on the dates when said shipments moved there were no commodity rates in effect on ice from said point of shipment to destination; that prior to the movement of said shipments respondent had agreed to establish a rate of 85 cents per net ton on said commodity, upon request of complainant, to be applied from said point of shipment to destination, but said rate of 85 cents pet net ton was not made effective until March 14, 1909, in accordance with special permission order of the Commission No. 834, as shown in respondent's tariff P. S. C., 2 N. Y., No. 5382, filed with the Commission March 12, 1909. Complainant claims, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said rate of 85 cents per net ton which was made effective March 14, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference $1345.84, the amount collected upon said shipments, and $714.98, the sum produced by a rate of 85 cents per net ton upon an aggregate weight of 1,682,300 pounds, that is to say, $630.86, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, D. E. Dempsey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $630.86 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $1345.84 for transportation of the shipments aforesaid.

[Case No. 976]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

PRANGEN BROTHERS, Complainants, *v.* ERIE RAILROAD COMPANY, Respondent. — Authority to refund $102.10.

Upon shipments made on February 25 and 28, 1909, of nine carloads of ice over the Erie railroad from Andover to Hornell within this State, respondent,

Erie Railroad Company, charged complainants, Prangen Brothers, for the transportation thereof the sum of $183.78, the same being at the rate of 4½ cents per hundred pounds upon an aggregate weight of 408,400 pounds. Such charge was made in accordance with sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 620, filed with the Commission September 27, 1907. Respondent claims that through clerical error a rate of 40 cents per net ton on said commodity applying from said point of shipment to destination was omitted in its tariff P. S. C., 2 N. Y., No. 1031, effective October 15, 1908, filed with the Commission September 14, 1908; that contracts were made by complainants on the basis of a rate of 40 cents per net ton for the transportation of said commodity from said point of shipment to destination; and that the necessary exaction of said effective sixth-class rate of 4½ cents per hundred pounds instead of said commodity rate of 40 cents per net ton was the cause of pecuniary loss to complainants. Effective March 1, 1909, respondent, in accordance with special permission order of the Commission No. 805, established a rate of 40 cents per net ton on said commodity from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 1132, filed with the Commission February 26, 1909. Complainants claim, and respondent admits, that the said rate of 4½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 40 cents per net ton which was made effective March 1, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $183.78, the amount collected upon said shipments, and $81.68, the sum produced by a rate of 40 cents per net ton upon an aggregate weight of 408,400 pounds, that is to say, $102.10, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Prangen Brothers, are entitled to recover from respondent, Erie Railroad Company, the sum of $102.10 for and on account of exaction by respondent of said unjust and unreasonable charge of $183.78 for transportation of the shipments aforesaid.

[Case No. 977]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of June, 1909.

Present:

Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
Commissioners.

Orleans Sand Stone Company, Complainant. *v.* The New York Central and Hudson River Railroad Company, Respondent.

Authority to refund $31.17.

Upon shipments made on September 30 and October 16, 1908, of two carloads of curbstone over the New York Central and Hudson River railroad from Fancher to Herkimer within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $118.46, computed at a rate of 9½ cents per hundred pounds upon an aggregate weight of 124,700 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that at the time said shipment moved respondent had in effect a rate of $1.40 per net ton on said commodity, carloads, applying from Fancher to Little Falls, N. Y., Herkimer being intermediate thereto, but which rate was inapplicable to the shipment transported as aforesaid; the complainant assumed that said rate of $1.40 per net ton would apply on said shipments and entered into a contract involving the shipment of said

two cars of curbstone based on said rate of $1.40 per net ton. Effective April 24, 1909, respondent established a rate of $1.40 per net ton on carload shipments of said commodity applying from Fancher to Herkimer as shown by its tariff P. S. C., 2 N. Y., No. 5463, filed with the Commission March 24, 1909. Complainant claims, and respondent admits, that the said rate of 9½ cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.40 per net ton which was made effective April 24, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $118.46, the amount collected upon said shipments, and $87.29, the sum produced by a rate of $1.40 per net ton upon an aggregate weight of 124,700 pounds, that is to say, $31.17, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Orleans Sand Stone Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $31.17 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $118.46 for transportation of the shipments aforesaid.

[Case No. 980]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

A. LASHER, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority for adjustment of freight charge.

Upon a shipment made on December 8, 1908, of one carload of hay from Fultonville, N. Y., on the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) to Crescent, N. Y., on the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged complainant, A. Lasher, for the transportation thereof the sum of $27, computed at a rate of 13½ cents per hundred pounds upon a carload weight of 20,000 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown in supplement No. 8 to West Shore railroad tariff P. S. C., 2 N. Y., No. 204, filed with the Commission May 27, 1908. It appears that said shipment was erroneously way-billed by respondent's agent at Fultonville at a rate of 7 cents per hundred pounds in accordance with West Shore railroad tariff P. S. C., 2 N. Y., No. 3, filed with the Commission August 20, 1907, which contained a fifth-class rate of 7 cents per hundred pounds on said commodity in carloads from Fultonville to Cohoes and other places, Crescent being intermediate thereto, but which was inapplicable to the shipment transported as aforesaid; that before delivery of the shipment correction in billing was issued by respondent increasing the charge in accordance with the effective rate as aforesaid. The shipment was refused by complainant upon the ground that said corrected charge was excessive, and it was subsequently moved from Crescent to Rensselaer, N. Y., unloaded from the car and stored in respondent's warehouse at Rensselaer pending further efforts of respondent to induce complainant to accept delivery of the shipment and pay the transportation charge thereon at the effective rate. As a result of subsequent correspondence and conference respondent was informed that complainant would accept delivery of the shipment at Crescent with charge thereon at the rate of 7 cents per hundred pounds, provided

respondent would waive all charges for demurrage at Crescent, for the movement from Crescent to Rensselaer, storage, and return movement from Rensselaer to Crescent. Effective March 26, 1909, a rate of 7 cents per hundred pounds was established on carload shipments of said commodity from Fultonville to Crescent as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1392, filed with the Commission February 23, 1909, which rate respondent admits would be a just and reasonable charge applied to the shipment in question and which applied to a carload weight of 20,000 pounds would result in a charge of $14. The charges on said shipment for demurrage at Crescent, movement of the car to Rensselaer, storage, and return movement accrued through no fault or direction of complainant, and such demurrage movement and storage subsequent to the time of arrival of the shipment at Crescent were due entirely to the action of respondent in attempting to enforce the rate admitted by it to be excessive. Therefore, upon the papers on file, including reduction of the rate challenged, respondent's concession that the transportation charge as sought to be applied was excessive, and it appearing to the Commission that the charges which accrued subsequent to the attempted delivery of said shipment to complainant at Crescent are improper and should not be applied, and that the relief sought should be granted to complainant,

It is Ordered, that the complainant, A. Lasher, is entitled to have the transportation charge upon the shipment from Fultonville to Crescent as aforesaid adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 7 cents per hundred pounds which respondent admits would be reasonable, and which will result in a charge of $14 as applied to the carload weight of 20,000 pounds instead of the said excessive rate of 13½ cents per hundred pounds in effect at the time the shipment moved.

[Case No. 992]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

THE UPTON COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $237.04.

Upon shipments made on March 13, 1909, of ten carloads of ice over the New York Central and Hudson River railroad from Cape Vincent to State Street, Rochester, within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, The Upton Company, for the transportation thereof the sum of $563.62, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 512,430 pounds. Such rate was charged in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that ice had not formerly been shipped from Cape Vincent to points on respondent's lines as far distant as Rochester, and there was no commodity rate in effect on ice from said point of shipment to destination on the date said shipments moved. Effective March 14, 1909, in accordance with special permission order of the Commission No. 834, respondent established a rate of $1.25 per net ton on said commodity, carloads, minimum weight 50,000 pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in

no case shall the minimum carload weight be less than 40,000 pounds, from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5382, filed with the Commission March 12, 1909. All but two of the ten cars involved in said shipments carried an actual weight in excess of 50,000 pounds, and the minimum carload weight provision as contained in said tariff P. S. C., 2 N. Y., No. 5382, applied to said shipments, makes an aggregate weight of 522,530 pounds. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.25 per net ton which was made effective March 14, 1909, as applied in accordance with the provisions contained in its said tariff P. S. C., 2 N. Y., No. 5382, would be a just and reasonable charge on the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $563.62, the amount collected upon said shipments, and $326.58, the sum produced by a rate of $1.25 per net ton upon an aggregate weight of 522,530 pounds as aforesaid, that is to say, $237.04, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Upton Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $237.04 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $563.62 for transportation of the shipments aforesaid.

[Case No. 993]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

BARRETT MANUFACTURING COMPANY, Complainant. *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $3.

Upon a shipment made on July 30, 1908, of one carload of roofing paper and pitch over the New York Central and Hudson River railroad from 60th Street station, New York city, to Rome within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $36, the same being at the rate of 12 cents per hundred pounds upon a minimum carload weight of 30,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodities as authorized in respondent's tariff P. S. C., 2 N. Y., No. 3809, filed with the Commission April 24, 1908, and shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that on the date said shipment moved respondent had in effect on said commodities a rate of 11 cents per hundred pounds applying from New York city to Niagara Frontier points, Rome being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 1301, filed with the Commission September 25, 1907, but which rate was inapplicable to the shipment transported as aforesaid. Effective May 21, 1909, respondent established a rate of 11 cents per hundred pounds on said commodities, carloads, from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5651, filed with the Commission April 20, 1909. Complainant claims, and respondent admits, that the said rate of 12 cents per hundred pounds was excessive, and respondent further admits that the said rate of 11 cents per hundred pounds which was made effective on May 21, 1909, would be a

just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $36, the amount collected upon said shipment, and $33, the sum produced by a rate of 11 cents per hundred pounds upon a carload weight of 30,000 pounds, that is to say, $3, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Barrett Manufacturing Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $3 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $36.00 for transportation of the shipment aforesaid.

[Case No. 994]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

ARMOUR & COMPANY, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $79.12.

Upon shipments made on March 6, 1909, of four carloads of ice over the New York Central and Hudson River railroad from Furniss to Geneva within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, Armour & Company, for the transportation thereof the sum of $168.80, computed at a rate of 8 cents per hundred pounds upon an aggregate weight of 211,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that ice had not formerly been shipped from Furniss to points on respondent's lines as far distant as Geneva and there was no commodity rate in effect on ice from Furniss to Geneva on the date said shipments moved. Effective March 14, 1909, in accordance with special permission order of the Commission No. 834, respondent established a rate of 85 cents per net ton on carload shipments of said commodity applying from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5382, filed with the Commission March 12, 1909. Complainants claim, and respondent admits, that the said rate of 8 cents per hundred pounds was excessive, and respondent further admits that the said rate of 85 cents per net ton which was made effective March 14, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $168.80, the amount collected upon said shipments, and $89.68, the sum produced by a rate of 85 cents per net ton upon an aggregate weight of 211,000 pounds, that is to say, $79.12, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Armour & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $79.12 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $168.80 for transportation of the shipments aforesaid.

[Case No. 997]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

THE BIRKETT MILLS, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $1.

On November 9, 1908, respondent, The New York Central and Hudson River Railroad Company, received from complainant, The Birkett Mills, at Penn Yan, N. Y., a shipment consisting of 2000 pounds of buckwheat flour consigned to William Orr & Sons at Orr's Mills, N. Y., respondent being directed by complainant to forward the same via the New York Central and Hudson River railroad and the Erie railroad, delivery to be made at the Cornwall, N. Y., station on the Erie railroad. It appears that Cornwall is also situated on the West Shore railroad (leased to and operated by respondent), the station on the Erie railroad being approximately one mile, and the West Shore Railroad station distant about four miles, from consignee's place of business; that a choice of routes from Penn Yan to Cornwall may be had, the rate via both routes being the same. Through error of respondent's agent, complainant's shipping instructions were not complied with, and the shipment was forwarded via respondent's railroad and the West Shore railroad, and delivery made to consignees at the West Shore Railroad station at Cornwall. This necessitated a haul of four miles to Orr's Mills, whereas if the shipment had been forwarded in accordance with complainant's shipping instructions the necessary haul would have been but one mile. The consignees performed the necessary cartage and deducted $1 therefor from complainant's bill for the commodity received. Complainant claims, and respondent admits, that the shipping instructions of complainant were disregarded, and that complainant should be reimbursed for said cartage charge of $1. Under all the circumstances, and it appearing to the Commission that reparation to the extent of $1, the amount charged by consignees for cartage and deducted from complainant's bill as aforesaid, should be allowed to complainant,

It is Ordered, that complainant, The Birkett Mills, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $1 as reparation for and on account of said cartage charge involved in the transportation of said shipment as aforesaid and which resulted through inattention to shipping instructions by complainant to respondent when said shipment was received for transportation.

[Case No. 999]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BRIDGE & SOUTER, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $7.11.

Upon a shipment made on March 27, 1908, of one carload of hay over the New York Central and Hudson River railroad from Canastota via Utica to Saranac Lake within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $44.66, computed at a rate of 22 cents per hundred pounds upon a carload weight of 20,300 pounds. Such charge was made in accordance with effective through rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2724, filed with the Commission October 30, 1907. It appears that previous to the date on which said shipment moved respondent had in effect on said commodity a rate of 6½ cents per hundred pounds applying from Canastota to Utica as shown in its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, and a rate of 10 cents per hundred pounds applying from Utica to Saranac Lake as shown by its tariff P. S. C., 2 N. Y., No. 511, filed with the Commission September 28, 1907, which said rate of 10 cents per hundred pounds was canceled on March 9, 1908, as shown by supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 511, filed with the Commission February 7, 1908. Effective July 18, 1908, respondent established a through rate of 18½ cents per hundred pounds on said commodity applying from Canastota to Saranac Lake as shown by its tariff P. S. C., 2 N. Y., No. 4100, filed with the Commission June 18, 1908. Complainants claim, and respondent admits, that the said rate of 22 cents per hundred pounds was excessive, and respondent further admits that the said rate of 18½ cents per hundred pounds which was made effective July 18, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $44.66, the amount collected upon said shipment, and $37.55, the sum produced by a rate of 18½ cents per hundred pounds upon a carload weight of 20,300 pounds, that is to say, $7.11, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, Bridge & Souter, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $7.11 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $44.66 for transportation of the shipment aforesaid.

[Case No. 1000]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1909.

Present:

FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ARMOUR & COMPANY, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $27.50.

Upon a shipment made on March 4, 1909, of one carload of ice over the New York Central and Hudson River railroad from Furniss to Batavia within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, Armour & Company, for the transportation thereof the sum of $52.50, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 50,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that ice had not formerly been shipped from Furniss to points on respondent's lines as far distant as Batavia, and there was no commodity rate in effect on ice from Furniss to Batavia on the date said shipment moved. Effective March 14, 1909, in accordance with special permission order of the Commission No. 834, respondent established a rate of $1 per net ton on carload shipments of said commodity applying from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 5382, filed with the Commission March 12, 1909. Complainants claim, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of $1 per net ton which was made effective March 14, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $52.50, the amount collected upon said shipment, and $25, the sum produced by a rate of $1 per net ton upon a carload weight of 50,000 pounds, that is to say, $27.50, should be allowed to complainants upon said shipment.

It is Ordered, that the complainants, Armour & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $27.50 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $52.50 for transportation of the shipment aforesaid.

[Case No. 1001]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE BLOUNT LUMBER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $6.90.

Upon a shipment made on October 13, 1908, of one carload of lumber over the New York Central and Hudson River railroad from Brier Hill to State Street, Rochester, within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, The Blount Lumber Company, for the transportation thereof the sum of $37.91, computed at a rate of 11 cents per hundred pounds upon a carload weight of 34,460 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission, July 1, 1908. It appears that on the date said shipment moved respondent had in effect on carload shipments of lumber a commodity rate of 9 cents per hundred pounds applying from Morristown, N. Y., to Rochester, Brier Hill being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 2380, filed with the Commission October 1, 1907, but which rate was inapplicable to the shipment transported as aforesaid. Effective May 15, 1909, respondent established a commodity rate of 9 cents per hundred pounds on carload shipments of lumber applying from Brier Hill to State Street, Rochester, as shown by its tariff P. S. C., 2 N. Y., No. 5551, filed with the Commission April 14, 1909. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective May 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $37.91, the amount collected upon said shipment, and $31.01, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 34,460 pounds, that is to say, $6.90, should be allowed to complainant upon said shipment,

It is Ordered, that complainant, The Blount Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6.90 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $37.91 for transportation of the shipment aforesaid.

[Case No. 1009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

WALTER E. DUNN, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $27.40.

Upon a shipment made on July 27, 1908, of one carload of pig iron over the New York Central and Hudson River railroad from Buffalo to Ogdensburg within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, Walter E. Dunn, for the transportation thereof the sum of $77.31, computed at a rate of $3.10 per gross ton of 2268 pounds upon a carload weight of 56,600 pounds; through error an undercharge of 5 cents having been made. Such charge was made in accordance with effective sixth-class rate contained in respondent's tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that upon the attention of respondent being called to the fact that shipments of said commodity were being forwarded from Buffalo to Ogdensburg it established a rate of $2 per gross ton of 2268 pounds upon pig iron, carloads, from said point of shipment to destination as shown by supplement No. 4 to its tariff P. S. C., 2 N. Y., No. 3570, filed with the Commission August 6, 1908, effective September 8, 1908; and respondent states that if previous to the date on which said shipment moved it had been requested to establish said reduced rate, it would have done so. Complainant claims, and respondent admits, that the said rate of $3.10 per gross ton of 2268 pounds was excessive, and respondent further admits that the said rate of $2 per gross ton of 2268 pounds which was made effective September 8, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $77.31, the amount collected upon said shipment, and $40.91, the sum produced by a rate of $2 per gross ton of 2268 pounds upon a carload weight of 56,600 pounds, that is to say, $27.40, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Walter E. Dunn, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $27.40 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $77.31 for transportation of the shipment aforesaid.

[Case No. 1010]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

FRANKLIN MILLS COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $288.02.

On various dates during the period from August 6, 1908, to April 2, 1909, on shipments of ex-lake wheat over the New York Central and Hudson River

railroad from Ohio Street, Buffalo, to Batavia within this State, respondent, The New York Central and Hudson River Railroad Company, exacted from complainant, Franklin Mills Company, transportation charges as follows:

On August 6, 1908, under authority of respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, 1 carload, weight 60,000 pounds, at 4 cents per hundred pounds	$24 00
During the period from September 21 to November 25, 1908, under authority of respondent's tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908, effective May 7, 1908, 17 carloads, aggregate weight 1,020,180 pounds, at 4 cents per hundred pounds	408 07
During the period from December 4, 1908, to March 8, 1909, under authority of respondent's tariff P. S. C., 2 N. Y., No. 4975, filed with the Commission November 2, 1908, effective December 3, 1908, 14 carloads, aggregate weight 840,000 pounds, at 5 cents per hundred pounds	420 00
On April 2, 1909, under authority of respondent's tariff P. S. C., 2 N. Y., No. 1, filed August 20, 1907, to which tariff the rate authorized in respondent's tariff P. S. C., 2 N. Y., No. 4975 was transferred on its cancellation March 15, 1909, by respondent's tariff P. S. C., 2 N. Y., No. 5303, filed February 11, 1909, 1 carload, weight 60,000 pounds, at 5 cents per hundred pounds	30 00
A total charge of	$882 07

It appears that for some time previous to July 9, 1908, respondent had in effect a rate of 3 cents per hundred pounds on wheat, carloads, applying from Buffalo to Batavia as shown by its tariff P. S. C., 2 N. Y., No. 1988, filed with the Commission September 30, 1907. Effective June 2, 1909, respondent established a rate of 3 cents per hundred pounds on ex-lake wheat, carloads, applying from Buffalo to Batavia as shown by its tariff P. S. C., 2 N. Y., No. 5936, filed with the Commission May 1, 1909. Complainant claims, and respondent admits, that the said rates as originally applied and which resulted in a total charge of $882.07 were excessive, and respondent further admits that the said rate of 3 cents per hundred pounds which was made effective June 2, 1909, would be a just and reasonable charge applied to the shipments in question, the aggregate weight of which was 1,980,180 pounds. It appearing to the Commission that reparation to the extent of the difference between said total charge of $882.07, as originally applied and collected upon said shipments, and $594.05, the sum produced by a rate of 3 cents per hundred pounds upon an aggregate weight of 1,980,180 pounds, that is to say, $288.02, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Franklin Mills Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $288.02 as reparation for and on account of said unjust and unreasonable charge of $882.07 for transportation of the shipments aforesaid.

[Case No. 1018]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

EMPIRE EQUIPMENT COMPANY, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $30.56.

Upon shipments of fourteen carloads of rubble stone forwarded on February 15 and 16, 1909, from Cobleskill, N. Y., over The Delaware and Hudson Company's railroad to Schenectady, N. Y., and thence via the New York

Central and Hudson River railroad to Niskayuna, N. Y., respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, exacted from complainant, Empire Equipment Company, the sum of $486.72, computed at a combination rate of $1.10 per net ton upon an aggregate actual weight of 884,950 pounds. There is slight dissimilarity between "rubble stone" and "rough building stone," and such charge was applied under authority of The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 1559, filed with the Commission May 18, 1908, which contained a commodity rate of 40 cents per net ton on rough building stone from Cobleskill to Schenectady, and in accordance with The New York Central and Hudson River Railroad Company tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907, which contained a sixth-class rate of 70 cents per net ton effective on rubble stone applying from Schenectady to Niskayuna. Respondent, The Delaware and Hudson Company, states that previous to the dates on which said shipments moved complainant was quoted a through rate of 80 cents per net ton for the transportation of said commodity from said point of shipment to destination, but through inadvertence in the publication of tariff said rate was applied to crushed stone instead of rubble stone. At the time said shipments moved there was in effect on crushed stone a rate of 80 cents per net ton, carloads, minimum weight marked capacity of car, but in no case less than 40,000 pounds, applying from Cobleskill to Niskayuna via said route as shown by The Delaware and Hudson Company joint tariff P. S. C., 2 N. Y., No. 1724, filed with the Commission September 22, 1908. Effective March 22, 1909, a rate of 80 cents per net ton was established on rubble stone, carloads, minimum weight marked capacity of car, but in no case less than 40,000 pounds, applying from said point of shipment to destination via Schenectady and the New York Central and Hudson River railroad, as shown by The Delaware and Hudson Company joint tariff P. S. C., 2 N. Y., No. 1888, filed with the Commission February 20, 1909. Complainant claims, and respondents admit, that the said rate of $1.10 per net ton was excessive, and respondents further admit that the said rate of 80 cents per net ton on carload shipments of minimum weight marked capacity of car, but in no case less than 40,000 pounds, in accordance with said The Delaware and Hudson Company tariff P. S. C, 2 N. Y., No. 1888, would be a just and reasonable charge applied to the shipments in question. The description and numbers of the cars used in said shipments, the marked capacity, and the actual weight carried in each, are as follows:

Description and car number.	Marked capacity.	Actual Weight carried.
D. & H. Co. 8088	85,000 pounds.	63,100 pounds.
D. & H. Co. 8351	85,000 pounds.	61,900 pounds.
D. & H. Co. 8463	85,000 pounds.	54,700 pounds.
D. & H. Co. 8380	85,000 pounds.	60,600 pounds.
D. & H. Co. 8124	85,000 pounds.	58,250 pounds.
D. & H. Co. 8493	85,000 pounds.	75,600 pounds.
D. & H. Co. 37977	85,000 pounds.	75,100 pounds.
D. & H. Co. 7034	60,000 pounds.	56,400 pounds.
D. & H. Co. 7498	60,000 pounds.	60,400 pounds.
D. & H. Co. 8348	85,000 pounds.	61,500 pounds.
D. & H. Co. 8135	85,000 pounds.	67,000 pounds.
D. & H. Co. 8015	85,000 pounds.	53,300 pounds.
D. & H. Co. 8489	85,000 pounds.	66,700 pounds.
D. & H. Co. 8027	85,000 pounds.	70,400 pounds.
Total	1,140,000 pounds.	884,950 pounds.

A rate of 80 cents per net ton applied to said shipments in accordance with the provisions contained in said tariff establishing the reduced rate on said commodity, computed on a total weight of 1,140,400 pounds, the aggregate marked capacity of said cars, including 400 pounds additional carried in car No. 7498, would result in a charge of $456.16. It appearing to the Commission that reparation to the extent of the difference between $486.72, the amount collected upon said shipments, and $456.16, the sum produced by a rate of 80 cents per net ton applied as aforesaid, that is to say, $30.56, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Empire Equipment Company, is entitled to recover from respondents, The Delaware and Hudson Company

and The New York Central and Hudson River Railroad Company, the sum of $30.56 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $486.72 for transportation of the shipments aforesaid.

[Case No. 1020] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

JOHN WEEKES & SON COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. Authority to refund $53.93.

During 1908 complainant, John Weekes & Son Company, shipped consignments of asbestos sand over the New York Central and Hudson River railroad from Watertown to Utica and Syracuse within this State, for the transportation of which respondent, The New York Central and Hudson River Railroad Company, exacted payment from complainant as follows:

On April 2, from Watertown to Utica, one carload, weight 36,000 pounds, charged in accordance with effective rate contained in respondent's tariff P. S. C., 2 N. Y., No. 2737, filed with the Commission October 31, 1907, at 11 cents per hundred pounds	$39 60
On October 26, from Watertown to Utica, one carload, weight 38,125 pounds, charged in accordance with effective rate contained in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908, at 8½ cents per hundred pounds	32 41
On November 14, from Watertown to Syracuse, one carload, actual weight 36,000 pounds, transported in respondent's car No. 98092, the marked capacity of which is 80,000 pounds, and charged in accordance with effective rate contained in respondent's tariff P. S. C., 2 N. Y., No. 4669, filed with the Commission August 25, 1908, as per provision therein applying to minimum carload weight marked capacity of car, but not less than 40,000 pounds, at 6 cents per hundred pounds	48 00
A total charge of	$120 01

It appears that on April 2, 1908, respondent had in effect on said commodity, carloads, a rate of 8 cents per hundred pounds applying from Watertown to Herkimer and Little Falls, N. Y., Utica being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 2856, filed with the Commission November 20, 1907, but which rate was inapplicable to said shipment transported on April 2 as aforesaid. Effective June 21, 1909, respondent established a rate of 6 cents per hundred pounds on said commodity, carloads, minimum weight as per official classification (36,000 pounds), from Watertown to Utica and Syracuse, as shown by its tariff P. S. C., 2 N. Y., No. 6254, filed with the Commission May 21, 1909. Complainant claims, and respondent admits, that the said rates as originally applied, which resulted in a total charge of $120.01, were excessive. Respondent further admits that said reduced rate which was made effective June 21, 1909, and as applied to minimum carload weight as per official classification (36,000 pounds), from said point of shipment to destinations would be a just and reasonable charge applied to the shipments in question, and which would result as follows:

To Utica, one carload, weight 36,000 pounds, at 6 cents per hundred pounds	$21 60
To Utica, one carload, weight 38,125 pounds, at 6 cents per hundred pounds	22 88
To Syracuse, one carload, weight 36,000 pounds, in accordance with said reduced minimum carload weight provision, at 6 cents per hundred pounds	21 60
A total charge of	$66 08

It appearing to the Commission that reparation to the extent of the difference between said total charge of $120.01, as originally applied and collected upon said shipments, and $66.08, the sum produced by said reduced rate of 6 cents per hundred pounds as hereinabove described, that is to say, $53.93, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, John Weekes & Son Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $53.93 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $120.01 for transportation of the shipments aforesaid.

[Case No. 1021]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

ORLEANS SAND STONE COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $90.02.

Upon shipments made during the period from July 25 to 30, 1908, of six carloads of curbstone over the New York Central and Hudson River railroad from Brockport to Rome within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $340.08, computed at a rate of 8½ cents per hundred pounds upon an aggregate weight of 400,100 pounds. It appears that complainant was the consignor, and while the transportation charges were paid by the consignees, credit therefor was allowed to consignees by complainant. The commodity was originally shipped by canal, and the boat upon which it was loaded met with a mishap near Brockport. As the stone was urgently needed at destination it was removed from the canalboat and forwarded via respondent's railroad from Brockport to Rome and charged at the effective sixth-class rate as above described in accordance with respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. During the period said shipments moved respondent had in effect on said commodity, carloads, a rate of $1.25 per net ton applying from Holley, N. Y., to Rome, Brockport being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 4130, filed with the Commission June 24, 1908, but which rate was inapplicable to shipments transported as aforesaid. Effective April 24, 1909, respondent established a rate of $1.25 per net ton on curbstone, carloads, from Brockport to Rome, as shown by its tariff P. S. C., 2 N. Y., No. 5465, filed with the Commission March 24, 1909. Complainant claims, and respondent admits, that the said rate of 8½ cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.25 per net ton which was made effective April 24, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $340.08, the amount collected upon said shipments, and $250.06, the sum produced by a rate of $1.25 per net ton upon an aggregate weight of 400,100 pounds, that is to say, $90.02, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Orleans Sand Stone Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $90.02 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $340.08 for transportation of the shipments aforesaid.

[Case No. 1023]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
John B. Olmsted,
Commissioners.

Orleans Sand Stone Company, Complainant, *v.* The New York Central and Hudson River Railroad Company, Respondent.

Authority to refund $10.

Upon a shipment made on July 30, 1908, of one carload of curbstone over the New York Central and Hudson River railroad from Brockport to Herkimer within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $38, computed at a rate of 9½ cents per hundred pounds upon a carload weight of 40,000 pounds. It appears that complainant was the consignor, and while the transportation charge was paid by the consignees credit therefor was allowed to consignees by complainant. The commodity was originally shipped by canal, and the boat upon which it was loaded met with a mishap near Brockport. As the stone was urgently needed at destination it was removed from the canalboat and forwarded via respondent's railroad from Brockport to Herkimer and charged at the effective sixth-class rate as above described in accordance with respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. On the date on which said shipment moved respondent had in effect on said commodity, carloads, a rate of $1.40 per net ton applying from Holley, N. Y., to Little Falls, N. Y., Brockport and Herkimer being directly intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 4130, filed with the Commission June 24, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective April 24, 1909, respondent established a rate of $1.40 per net ton on curbstone, carloads, from Brockport to Herkimer, as shown by its tariff P. S. C., 2 N. Y., No. 5465, filed with the Commission March 24, 1909. Complainant claims, and respondent admits, that the said rate of 9½ cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.40 per net ton which was made effective April 24, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $38, the amount collected upon said shipment, and $28, the sum produced by a rate of $1.40 per net ton upon a carload weight of 40,000 pounds, that is to say, $10, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Orleans Sand Stone Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $38 for transportation of the shipment aforesaid.

[Case No. 1024]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

THE UNION BAG & PAPER COMPANY, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $55.90.

On or about November 25, 1908, respondent, The Delaware and Hudson Company, received from canalboat *J. Remillard*, at Troy, N. Y., a cargo of sulphur, comprising eleven carloads, of an aggregate weight of 559,040 pounds, consigned to complainant, The Union Bag & Paper Company, at Ballston, N. Y. Respondent transported said commodity from Troy to Ballston and exacted from complainant therefor transportation charge of $391.33 computed at a rate of 7 cents per hundred pounds, such charge being made in accordance with effective sixth-class rate on said commodity, carloads, contained in respondent's tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908. On the date on which said shipments moved respondent had in effect on sulphur, carloads, received from water transportation lines in connection with which respondent had no through rates in effect, a rate of 6 cents per hundred pounds applying from Troy to Fort Edward, N. Y., Glens Falls, N. Y., and Sandy Hill, N. Y., Ballston being intermediate thereto, as shown in its tariff P. S. C., 2 N. Y., No. 1392, filed with the Commission December 31, 1907, but which rate was inapplicable to the shipments transported as aforesaid. Effective June 16, 1909, respondent established a rate of 6 cents per hundred pounds on sulphur, carloads, received from water transportation lines in connection with which respondent has no through rates in effect, as shown by its tariff P. S. C., 2 N. Y., No. 2007, filed with the Commission May 15, 1909. It appears that respondent had no through rates in effect with the boat or water transportation line from which said commodity was received. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective June 16, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $391.33, the amount collected upon said shipments, and $335.43, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 559,040 pounds, that is to say, $55.90, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Union Bag & Paper Company, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $55.90 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $391.33 for transportation of the shipments aforesaid.

[Case No. 1025]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

L. G. LOOMIS & SON, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $19.15.

Upon shipments made on March 2, 1909, of two carloads of barley over the New York Central and Hudson River railroad from Macedon to Buffalo within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, L. G. Loomis & Son, for the transportation thereof the sum of $67.02, computed at a rate of 7 cents per hundred pounds upon an aggregate weight of 95,749 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that complainants were apprised by respondent's agent during the latter part of February, 1909, of the effective rate on said commodity as charged, and that effective March 15, 1909, the rate from said point of shipment to destination would be reduced to 5 cents per hundred pounds, but complainants found it necessary to forward said shipments as above described prior to the effective date of the reduced rate. Effective March 15, 1909, respondent established a rate of 5 cents per hundred pounds on barley, carloads, applying from Macedon to Buffalo, as shown by its tariff P. S. C., 2 N. Y., No. 5303, filed with the Commission February 11, 1909. Complainants claim, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 5 cents per hundred pounds which was made effective March 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $67.02, the amount collected upon said shipments, and $47.87, the sum produced by a rate of 5 cents per hundred pounds upon an aggregate weight of 95,749 pounds, that is to say, $19.15, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, L. G. Loomis & Son, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $19.15 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $67.02 for transportation of the shipments aforesaid.

[Case No. 1026]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

BARRETT MANUFACTURING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $6.

Upon a shipment made on April 17, 1909, of one carload of roofing paper over the New York Central and Hudson River railroad from New York city

to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $39, computed at a rate of 13 cents per hundred pounds upon a carload weight of 30,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity under authority of respondent's tariff P. S. C., 2 N. Y., No. 4753, filed with the Commission September 14, 1908. It appears that the transportation charge was paid by the consignee and credit therefor was allowed to consignee by complainant, the consignor. At the time said shipment moved respondent had in effect on said commodity, carloads, a rate of 11 cents per hundred pounds, applying from New York city to Buffalo, N. Y., and Niagara Frontier points, also to Rochester, N. Y., Syracuse being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 5130, filed with the Commission December 31, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective May 21, 1909, respondent established a rate of 11 cents per hundred pounds on said commodity, carloads, applying from New York city to Syracuse, as shown by its tariff P. S. C., 2 N. Y., No. 5651, filed with the Commission April 20, 1909. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of 11 cents per hundred pounds which was made effective May 21, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $39, the amount collected upon said shipment, and $33, the sum produced by a rate of 11 cents per hundred pounds upon a carload weight of 30,000 pounds, that is to say, $6, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Barrett Manufacturing Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $39 for transportation of the shipment aforesaid.

[Case No. 1027]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

OSBORNE-MILLER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $21.48.

Upon a shipment made on March 2, 1909, of one carload of wheat from Clarence Center, N. Y., on the New York Central and Hudson River railroad, to Vernon, N. Y., on the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company), respondent, The New York Central and Hudson River Railroad Company, charged complainant, Osborne-Miller Company, for the transportation thereof the sum of $64.45, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 61,380 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity contained in respondent's tariff P. S. C., 2 N. Y., No. 1740, filed with the Commission September 24, 1907. It appears that previous to the date on which said shipment moved complainant requested respondent to reduce the rate on wheat in carloads from said point of shipment to destination, and application was made by respondent to this Commission for authority to establish on short notice a rate of 7 cents per hun-

dred pounds applied to shipments as aforesaid. Effective March 3, 1909, in accordance with special permission order of the Commission No. 815, respondent established a rate of 7 cents per hundred pounds on wheat, carloads, from Clarence Center to Vernon, as shown by its tariff P. S. C., 2 N. Y., No. 5359, filed with the Commission March 1, 1909, but said shipment was forwarded one day in advance of the effective date of said reduced rate. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 7 cents per hundred pounds which was made effective March 3, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $64.45, the amount collected upon said shipment, and $42.97, the sum produced by a rate of 7 cents per hundred pounds upon a carload weight of 61,380 pounds, that is to say, $21.48, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Osborne-Miller Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $21.48 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $64.45 for transportation of the shipment aforesaid.

[Case No. 1028]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

THE UPTON COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $59.64.

Upon shipments made on March 11 and 13, 1909, of three carloads of ice over the New York Central and Hudson River railroad from Cayuga to Honeoye Falls within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, The Upton Company, for the transportation thereof the sum of $102.24, computed at a rate of 6 cents per hundred pounds upon an aggregate weight of 170,400 pounds. Such charge was made in accordance with effective rate contained in respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that on account of the scarcity of ice in the vicinity of Honeoye Falls and the approaching close of the last ice harvesting season complainant found it necessary to obtain its supply at Cayuga, and requested respondent to establish a commodity rate on ice, carloads, from Cayuga to Honeoye Falls. Respondent quoted and complainant accepted a rate of 50 cents per net ton, but the publication of the same in tariff form was delayed for several days. Effective March 17, 1909, in accordance with special permission order of the Commission No. 872, respondent established a rate of 50 cents per net ton on said commodity, carloads, from Cayuga to Honeoye Falls, as shown by its tariff P. S. C., 2 N. Y., No. 5431, filed with the Commission March 15, 1909. Complainant claims, and respondent admits, that the said rate of 6 cents per hundred pounds was excessive, and respondent further admits that the said rate of 50 cents per net ton which was made effective March 17, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $102.24, the amount collected upon

said shipments, and $42.60, the sum produced by a rate of 50 cents per net ton upon an aggregate weight of 170,400 pounds, that is to say, $59.64, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Upton Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $59.64 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $102.24 for transportation of the shipments aforesaid.

[Case No. 1029]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

ROCKEFELLER BROTHERS, Complainants, *v.* BOSTON AND MAINE RAILROAD and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority for adjustment of freight charges.

Upon shipments made during the month of September, 1908, of six carloads of crushed stone from South Bethlehem, N. Y., over the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) via Rotterdam Junction, N. Y., and over the Boston and Maine railroad to West Valley Falls, N. Y., respondents, Boston and Maine Railroad and The New York Central and Hudson River Railroad Company, charged complainants, Rockefeller Brothers, for the transportation thereof, the sum of $239.83, computed at a rate of 95 cents per net ton upon an aggregate weight of 504,900 pounds. Such charge was erroneously applied and collected under authority of West Shore railroad tariff P. S. C., 2 N. Y., No. 1054, filed with the Commission July 20, 1908, which contained said rate on crushed stone applying from South Bethlehem to Valley Falls and Eagle Bridge within this State, West Valley Falls being intermediate thereto, but which was inapplicable to shipments transported as aforesaid. The rate properly applicable to carload shipments of said commodity from said point of shipment to destination during the period when said shipments were transported was that of sixth class, 13 cents per hundred pounds, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 822, filed with the Commission February 4, 1908, and this rate applied to an aggregate weight of 504,900 pounds would result in a charge of $656.37. It appears that the difference between $239.83, the amount collected as aforesaid, and $656.37, the correct sum properly chargeable under the effective rate as aforesaid, amounting to $416.54, has not been paid. Effective December 21, 1908, a rate of 95 cents per net ton was established on said commodity, carloads, applying from South Bethlehem to West Valley Falls as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1323, filed with the Commission November 20, 1908. Complainants claim, and respondents admit, that the said rate of 13 cents per hundred pounds was excessive, and respondents further admit that the said rate of 95 cents per net ton which was made effective December 21, 1908, would be a just and reasonable charge applied to the shipments in question. Upon the papers on file, including respondents' reduction of the rate which should have been applied, their concession that the charge which should have been made would have been excessive, and their admission of liability, and it appearing to the Commission that the relief sought should be granted to complainants,

It is Ordered, that the complainants, Rockefeller Brothers, are entitled to have the freight charge upon the shipments aforesaid adjusted by respondents,

Boston and Maine Railroad and The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 95 cents per net ton, which they admit to be reasonable, instead of the said excessive rate of 13 cents per hundred pounds properly in effect during the period when said shipments moved.

[Case No. 1034]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

KNOWLTON BROTHERS, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $1.68.

Upon two less carload shipments of wrapping paper forwarded on March 18 and 19, 1909, over the New York Central and Hudson River railroad from Watertown to Fayetteville within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainants, Knowlton Brothers, for the transportation thereof the sum of $5.88, computed at a rate of 28 cents per hundred pounds upon an aggregate weight of 2100 pounds. Such charge was made in accordance with effective third-class rate on said commodity as shown in respondent's tariff P. S. C., 2 N. Y., No. 1724, filed with the Commission September 25, 1907. Effective March 26, 1909, respondent established a commodity rate of 20 cents per hundred pounds on wrapping paper, less carloads, from Watertown to Fayetteville, as shown by its tariff P. S. C., 2 N. Y., No. 5348, filed with the Commission February 23, 1909. Complainants claim, and respondent admits, that the said rate of 28 cents per hundred pounds was excessive, and respondent further admits that the said rate of 20 cents per hundred pounds which was made effective March 26, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $5.88, the amount collected upon said shipments, and $4.20, the sum produced by a rate of 20 cents per hundred pounds upon an aggregate weight of 2100 pounds, that is to say, $1.68, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Knowlton Brothers, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $1.68 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $5.88 for transportation of the shipments aforesaid.

[Case No. 1035]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

THE RACQUETTE RIVER PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $23.82.

Upon shipments made on May 29 and June 3, 1908, of two carloads of fire brick over the New York Central and Hudson River railroad from Green Island to Potsdam within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, The Racquette River Paper Company, for the transportation thereof the sum of $129.30. Such charge was applied under authority of supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907, as per effective sixth-class rate of 15 cents per hundred pounds. The respective weights of said shipments were 47,900 and 38,300 pounds, and as said tariff included a provision for minimum carload weight of 40,000 pounds, the correct aggregate charge which should have been collected was $131.85. It appears that during the period when said shipments moved respondent had in effect on said commodity, carloads, minimum weight 40,000 pounds, a rate of $2.40 per net ton from Troy, N. Y., to Norwood, N. Y., Green Island and Potsdam being intermediate thereto, but which rate was inapplicable to the shipments transported as aforesaid. Effective April 7, 1909, respondent established a rate of $2.40 per net ton on said commodity, carloads, minimum weight 40,000 pounds, from Green Island to Potsdam, as shown by its tariff P. S. C., 2 N. Y., No. 5404, filed with the Commission March 6, 1909. Complainant claims, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that the said rate of $2.40 per net ton which was made effective April 7, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $129.30, the amount collected upon said shipments, and $105.48, the sum produced by a rate of $2.40 per net ton upon two shipments of respective weights of 47,900 and 38,300 pounds and in accordance with the minimum carload weight provision of 40,000 pounds contained in respondent's said tariff P. S. C., 2 N. Y., No. 5404, that is to say, $23.82, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Racquette River Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $23.82 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $129.30 for transportation of the shipments aforesaid.

[Case No. 1046]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

J. F. PLUNKETT, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK AND OTTAWA RAILWAY COMPANY, Respondents.

Authority to refund $12.60.

Upon a shipment made on October 14, 1908, of one carload of softwood lumber, weight 36,000 pounds, from St. Regis Falls, N. Y., on the New York and Ottawa railway, and via Tupper Lake Junction, N. Y., to Remsen, N. Y., on the New York Central and Hudson River railroad, respondents, The New York Central and Hudson River Railroad Company and New York and Ottawa Railway Company, erroneously charged and collected from complainant, J. F. Plunkett, for the transportation thereof the sum of $46.20. Such charge was assessed in accordance with a rate of 5 cents per hundred pounds applied from St. Regis Falls to Tupper Lake Junction, and a rate of 7 cents per hundred pounds applied from Tupper Lake Junction to Remsen, for which rates no tariff authority existed, plus a charge of $3 for stop-off at Fulton Chain, N. Y., for dressing purposes, which was properly chargeable under The New York Central and Hudson River Railroad Company tariff P. S. C., 2 N. Y., No. 3929, filed with the Commission May 15, 1908. The rate properly applicable on said shipment on said date was the sixth-class rate of 15 cents per hundred pounds as contained in New York and Ottawa Railway Company tariff P. S. C., 2 N. Y., No. 39, filed with the Commission September 30, 1907, which rate applied to a weight of 36,000 pounds, plus $3 for stop-off privilege at Fulton Chain, would result in a charge of $57. It appears that at the time said shipment moved there was in effect on carload shipments of said commodity a rate of 8½ cents per hundred pounds applying from St. Regis Falls to Utica, N. Y., Remsen being intermediate thereto. Respondents state that complainant understood that said last named rate would apply to the shipment transported as aforesaid, but it was inapplicable under The New York Central and Hudson River Railroad Company tariff a rate of 8½ cents per hundred pounds was established on said commodity applying from St. Regis Falls to Remsen as shown by New York and Ottawa Railway Company joint tariff P. S. C., 2 N. Y., No. 125, filed with the Commission May 20, 1909. Complainant claims, and respondents admit, that the said effective rate of 15 cents per hundred pounds if applied would have been excessive, and respondents further admit that the said rate of 8½ cents per hundred pounds which was made effective June 21, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $46.20, the amount erroneously collected upon said shipment as aforesaid, and $33.60, the sum produced by a rate of 8½ cents per hundred pounds upon a carload weight of 36,000 pounds, plus a charge of $3 for stop-off privilege at Fulton Chain, that is to say, $12.60, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, J. F. Plunkett, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York and Ottawa Railway Company, the sum of $12.60 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $46.20 for transportation of the shipment aforesaid.

[Case No. 1061]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN F. DAILEY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $6, and for adjustment of freight charge.

Upon two carload shipments of wheat over the New York Central and Hudson River railroad from Lyndonville to Syracuse within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, John F. Dailey, for the transportation thereof $42 on one carload, weight 60,000 pounds, transported on December 3, 1908, and $49.98 on one carload, weight 71,400 pounds, transported on December 29, 1908, computed at a rate of 7 cents per hundred pounds. Such charge was applied and collected in accordance with effective rate contained in supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 3004, filed with the Commission January 22, 1908. It appears that during the period from January 1, 1903, to February 24, 1908, respondent had in effect on carload shipments of said commodity from said point of shipment to destination a rate of 6 cents per hundred pounds as shown by its tariff P. S. C., 2 N. Y., No. 2606, filed with the Commission October 14, 1907; the rate was then changed to 7 cents per hundred pounds, which remained in force until March 3, 1909, when it was canceled and through inadvertence increased to 10 cents per hundred pounds as shown in respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908; and the 10 cent rate was then reduced, in accordance with special permission order of the Commission No. 890, to 6 cents per hundred pounds, which is now in effect, as shown by supplement No. 1 to respondent's tariff P. S. C., 2 N. Y., No. 5270, effective April 1, 1909, filed with the Commission March 30, 1909. It also appears that through correspondence between complainant and respondent previous to the filing of complaint with this Commission a refund of $7.14, based on a rate of 6 cents per hundred pounds, through error of respondent was allowed by it to complainant on the shipment forwarded on December 29, 1908. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds which was made effective April 1, 1909, would be a just and reasonable charge applied to the shipments in question. Said rate of 6 cents per hundred pounds applied to the shipment transported on December 3, 1908, would result in a charge of $36, and applied to the shipment transported on December 29, 1908, would result in a charge of $42.84. Therefore, upon the papers on file, including respondent's reduction of the rate charged, its concession that the charges which were originally made were excessive, and its admission of liability, and it appearing to the Commission that the relief sought should be granted to complainant,

It is Ordered, that the complainant, John F. Dailey, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, as reparation for overcharge on the shipment forwarded on December 3, 1908, as aforesaid, the sum of $6, being the difference between said unjust and unreasonable charge of $42 exacted by respondent, and $36 the sum produced by a rate of 6 cents per hundred pounds on said shipment.

It is further Ordered, that the complainant, John F. Dailey, is entitled to have the freight charge upon the shipment forwarded on December 29, 1908, as aforesaid, adjusted by respondent, The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 6 cents per hundred pounds, which respondent admits to be unreasonable, instead of the said excessive rate of 7 cents per hundred pounds effective on the date said shipment moved.

[Case No. 1063]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
Frank W. Stevens, Chairman,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

William G. Kinney, Complainant, *v.* The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, Respondents.

Authority to refund $28.

Upon a shipment made on April 7, 1909, of one carload of "granite" brick from Glens Falls, N. Y., on the railroad of The Delaware and Hudson Company, to Ossining, N. Y., on the New York Central and Hudson River railroad, respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $60, computed at a rate of 15 cents per hundred pounds upon a minimum carload weight of 40,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity, carloads, minimum weight 40,000 pounds, as shown by The Delaware and Hudson Company's joint tariff P. S. C., 2 N. Y., No. 26, filed with the Commission August 31, 1907. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainant, consignor. On the date on which said shipment moved there was effective on carload shipments of said commodity a rate of $1.60 per net ton applying from Glens Falls to 130th Street, New York city, Ossining being intermediate thereto, as shown by The Delaware and Hudson Company joint tariff P. S. C., 2 N. Y., No. 1817, filed with the Commission December 14, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective June 2, 1909, in accordance with special permission order of the Commission No. 980, a rate of $1.60 per net ton was established on carload shipments of said commodity, minimum weight 40,000 pounds, applying from Glens Falls to Ossining, as shown by The Delaware and Hudson Company joint tariff P. S. C., 2 N. Y., No. 2029, filed with the Commission June 1, 1909. Complainant claims, and respondents admit, that the said rate of 15 cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.60 per net ton which was made effective June 2, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $60, the amount collected upon said shipment, and $32, the sum produced by a rate of $1.60 per net ton upon a minimum carload weight of 40,000 pounds, that is to say, $28, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, William G. Kinney, is entitled to recover from respondents, The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company, the sum of $28, as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $60 for transportation of the shipment aforesaid.

[Case No. 1065]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

J. H. FREDERICK & SON, Complainants, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent.

Authority to refund $12.

Upon a shipment made on March 29, 1909, of one carload of vinegar in casks over the railroad of The Delaware and Hudson Company from Cobleskill to Binghamton within this State, respondent, The Delaware and Hudson Company, charged for the transportation thereof the sum of $60, computed at a rate of 12½ cents per hundred pounds upon a carload weight of 48,000 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as shown by respondent's tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908, effective October 1, 1908. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainants, consignors. Previous to October 1, 1908, respondent had in effect a rate of 10 cents per hundred pounds on said commodity, carloads, from said point of shipment to destination as shown by fifth-class rate contained in its tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 31, 1907. Effective May 29, 1909, respondent established a commodity rate of 10 cents per hundred pounds on carload shipments of vinegar, in wood, applying from Cobleskill to Binghamton as shown by its tariff P. S. C., 2 N. Y. No. 1984, filed with the Commission April 29, 1909, and this rate is now in force. Complainants claim, and respondent admits, that the said rate of 12½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 10 cents per hundred pounds which was made effective May 29, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $60, the amount collected on said shipment, and $48, the sum produced by a rate of 10 cents per hundred pounds upon a carload weight of 48,000 pounds, that is to say, $12, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, J. H. Frederick & Son, are entitled to recover from respondent, The Delaware and Hudson Company, the sum of $12 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $60 for transportation of the shipment aforesaid.

[Case No. 1066]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

RICHARD & MCKEE, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $77.90.

Upon shipments made on March 19 and 20, 1909, of two carloads of horses over the New York Central and Hudson River railroad from Robinwood to Holland Patent within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $159.90, computed at a rate of 39 cents per hundred pounds upon an aggregate weight of 41,000 pounds. Such charge was made in accordance with effective second-class rate on horses as contained in respondent's exceptions to the official classification P. S. C., 2 N. Y., No. 4753, filed with the Commission September 14, 1908, and its tariff P. S. C., 2 N. Y., No. 460, filed with the Commission September 23, 1907. It appears that the transportation charges were paid by the consignees and credit therefor allowed to them by complainants, consignors. On the dates said shipments moved respondent had in effect a rate of 20 cents per hundred pounds on carload shipments of horses applying from Robinwood to Utica, N. Y., Holland Patent being intermediate thereto, as shown by respondent's exceptions to the official classification P. S. C., 2 N. Y., No. 4753, filed with the Commission September 14, 1908, and its tariff P. S. C., 2 N. Y., No. 4455, filed with the Commission August 27, 1908, but which rate was inapplicable to the shipments transported as aforesaid. Effective June 26, 1909, respondent established a rate of 20 cents per hundred pounds on carload shipments of horses from Robinwood to Holland Patent, as shown by its tariff P. S. C., 2 N. Y., No. 6329, filed with the Commission May 26, 1909. Complainants claim, and respondent admits, that the said rate of 39 cents per hundred pounds was excessive, and respondent further admits that the said rate of 20 cents per hundred pounds which was made effective June 26, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $159.90, the amount collected upon said shipments, and $82, the sum produced by a rate of 20 cents per hundred pounds upon an aggregate weight of 41,000 pounds, that is to say, $77.90, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Richard & McKee, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $77.90 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $159.90 for transportation of the shipments aforesaid.

[Case No. 1067]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ROCKEFELLER BROTHERS, Complainants, *v.* BOSTON AND MAINE RAILROAD and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority for adjustment of freight charge.

Upon shipments made on September 30, 1908, of three carloads of crushed stone from South Bethlehem, N. Y., over the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) via Rotterdam Junction, N. Y., and over the Boston and Maine railroad to West Valley Falls, N. Y., respondents, Boston and Maine Railroad and The New York Central and Hudson River Railroad Company, charged complainants, Rockefeller Brothers, for the transportation thereof the sum of $122.79, computed at a rate of 95 cents per net ton upon an aggregate weight of 258,500 pounds. Such charge was erroneously applied and collected under authority of West Shore railroad tariff P. S. C., 2 N. Y., No. 1054, filed with the Commission July 20, 1908, which contained said rate on crushed stone applying from South Bethlehem to Valley Falls and Eagle Bridge within this State, West Valley Falls being intermediate thereto, but which was inapplicable to shipments transported as aforesaid. The rate properly applicable to carload shipments of said commodity from said point of shipment to destination on the date when said shipments were transported was that of sixth class, 13 cents per hundred pounds, as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 822, filed with the Commission February 4, 1908, and this rate applied to an aggregate weight of 258,500 pounds would result in a charge of $336.05. It appears that the difference between $122.79, the amount collected as aforesaid, and $336.05, the correct sum properly chargeable as aforesaid, amounting to $213,26, has not been paid. Effective December 21, 1908, a rate of 95 cents per net ton was established on said commodity, carloads, applying from South Bethlehem to West Valley Falls as shown by West Shore railroad tariff P. S. C., 2 N. Y., No. 1323, filed with the Commission November 20, 1908. Complainants claim, and respondents admit, that the said rate of 13 cents per hundred pounds was excessive, and respondents further admit that the said rate of 95 cents per net ton which was made effective December 21, 1908, would be a just and reasonable charge applied to the shipments in question. Upon the papers on file, including respondents' reduction of the rate which should have been applied, their concession that the charge which should have been made would have been excessive, and their admission of liability, and it appearing to the Commission that the relief sought should be granted to complainants,

It is Ordered, that the complainants, Rockefeller Brothers, are entitled to have the freight charge upon the shipments aforesaid adjusted by respondents, Boston and Maine Railroad and The New York Central and Hudson River Railroad Company, upon the basis of said reduced rate of 95 cents per net ton, which they admit to be reasonable, instead of the said excessive rate of 13 cents per hundred pounds effective on the date said shipments moved.

[Case No. 839]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of the BUFFALO FOUNDRY AND MACHINE COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

In this case the complainant claims reparation for weighing charges under the order entered by the Commission October 27, 1908, in favor of the complainant, holding that respondent's charge of 50 cents for weighing cars upon private scales of complainant was unreasonable and unjust and should not exceed 25 cents per car; and it appearing to the Commission that the complainant is entitled to reparation for charges made by respondent for weighing as aforesaid in excess of the charge of 25 cents so fixed by the Commission upon all cars transported between points in the State of New York since the 1st day of July, 1907, the date when the Public Service Commissions Law took effect, but that its order in this case respecting reparation should not apply to shipments within the State of New York prior to said July 1, 1907, nor to any interstate shipments,

It is Ordered, that the complainant, Buffalo Foundry and Machine Company, is entitled to have the charges made by respondent, The New York Central and Hudson River Railroad Company, prior to the taking effect of said order of October 27, 1908, for weighing cars upon the private scales of complainant, adjusted to 25 cents per car, to the extent that such charges apply to cars transported for complainant to or from Buffalo within the State of New York since the 30th day of June, 1907.

[Case No. 1076]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

NIAGARA GYPSUM COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $17.

Upon a shipment made on April 13, 1909, of one carload of plaster from Oakfield, N. Y., on the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) to Penn Yan, N. Y., on the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $42, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 40,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as shown in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 266, filed with the Commission September 25, 1907. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainant, consignor. On the date on which said shipment moved

there was in effect on said commodity, carloads, a rate of $1.25 per net ton applying from Oakfield to Dresden, N. Y., which latter named point is in the immediate vicinity of Penn Yan, as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1057, filed with the Commission July 22, 1908. Respondent states that previous to the movement of said shipment complainant applied to respondent's agent for a commodity rate on plaster, carloads, to be established from Oakfield to Penn Yan, and effective April 15, 1909, in accordance with special permission order of the Commission No. 909, a rate of $1.25 per net ton was established on carload shipments of said commodity applying from said point of shipment to destination as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1438, filed with the Commission April 13, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of $1.25 per net ton which was made effective April 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $42, the amount collected upon said shipment, and $25, the sum produced by a rate of $1.25 per net ton upon a carload weight of 40,000 pounds, that is to say, $17, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Niagara Gypsum Company, is entitled to recover from the respondent, The New York Central and Hudson River Railroad Company, the sum of $17 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $42 for transportation of the shipment aforesaid.

[Case No. 1077]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

A. B. BURTIS, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $10.

Upon a shipment made on March 8, 1909, of one carload of ice over the New York Central and Hudson River railroad from Cayuga to Oaks Corners within this State, respondent, The New York Central and Hudson River Railroad Company, charged complainant, A. B. Burtis, for the transportation thereof the sum of $20, computed at a rate of 4 cents per hundred pounds upon a carload weight of 50,000 pounds. Said shipment was transported in respondent's car No. 68717, of marked capacity 60,000 pounds, and said charge was made in accordance with effective sixth-class rate on said commodity, carloads, minimum weight 40,000 pounds, as shown by respondent's tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. On the date on which said shipment moved respondent had in effect a rate of 40 cents per net ton on ice, carloads, minimum weight 50,000 pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but the minimum weight in no case to be less than 40,000 pounds, applying from Cayuga to Clifton Springs, N. Y., Oaks Corners being intermediate thereto, as shown by its tariff P. S. C., 2 N. Y., No. 5211, filed with the Commission January 20, 1909, but which rate was inapplicable to the shipment transported as aforesaid. Effective March 15, 1909, in accordance with special permission order of the Commission No. 858, respond-

ent established a rate of 40 cents per net ton upon carload shipments of said commodity, minimum weight 50,000 pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but the minimum weight in no case to be less than 40,000 pounds, applying from Cayuga to Oaks Corners, as shown by its tariff P. S. C., 2 N. Y., No. 5420, filed with the Commission March 13, 1909. Complainant claims, and respondent admits, that the said rate of 40 cents per hundred pounds was excessive, and respondent further admits that the said rate of 40 cents per net ton which was made effective March 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $20, the amount collected upon said shipment, and $10, the sum produced by a rate of 40 cents per net ton upon a carload weight of 50,000 pounds, that is to say, $10, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, A. B. Burtis, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $20 for transportation of the shipment aforesaid.

[Case No. 1235]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE.
Commissioners.

LACKAWANNA STEEL COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $127.23.

Upon shipments made during the months of May, June, and October, 1908, of fourteen carloads of steel blooms and one mixed carload of steel blooms and steel billets over the New York Central and Hudson River railroad from East Buffalo to Auburn within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $635.80, computed at a rate of $1.25 per gross ton upon an aggregate weight of 1,139,190 pounds. Such charge was made in accordance with effective rate on said commodities as shown by respondent's tariff P. S. C., 2 N. Y., No. 3570, filed with the Commission March 18, 1908. It appears that the transportation charges were paid by the consignees and credit therefor allowed to consignees by complainant, consignor. During the period when said shipments moved respondent had in effect on billets, carloads, a commodity rate of $1 per gross ton applying from said point of shipment to destination as shown by its tariff P. S. C., 2 N. Y., No. 1707, filed with the Commission September 24, 1907. There is slight dissimilarity between steel blooms and steel billets, and respondent states that if it had been informed that shipments of steel blooms would be offered for transportation from East Buffalo to Auburn it would have made the said $1 per gross ton rate on billets apply as well on steel blooms. Effective March 1, 1909, respondent established a rate of $1 per gross ton on steel blooms, in carloads, from East Buffalo to Auburn as shown by supplement No. 9 of its tariff P. S. C., 2 N. Y., No. 3570, filed with the Commission January 28, 1909, and also included therein the same rate on billets. Complainant claims, and respondent admits, that the said rate of $1.25 per gross ton was excessive, and respondent further admits that the said rate of $1 per gross ton which was made effective on March 1, 1909, would be a just and reason-

able charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $635.80, the amount collected upon said shipments, and $508.57, the sum produced by a rate of $1 per gross ton upon an aggregate weight of 1,139,190 pounds, that is to say, $127.23, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Lackawanna Steel Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $127.23 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $635.80 for transportation of the shipments aforesaid.

[Case No. 887]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of H. G. ANDERSON AND COMPANY, *against* the BUFFALO AND SUSQUEHANNA RAILWAY COMPANY.

After due deliberation it is

Ordered: That the complaint of H. G. Anderson and Company against the Buffalo and Susquehanna Railway Company be and hereby is closed on the records of this Commission, the matter involved being one of reparation, and the rate asked for not having been put into effect.

[Case No. 684]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of ROCKEFELLER BROTHERS *against* BOSTON AND MAINE RAILROAD.

A charge of 40 cents per gross ton on 71 cars of crushed stone, amounting to $1155.64, switched by respondent from its junction with the Greenwich and Johnsonville railway near Johnsonville to Atwoods crossing on respondent's line, complained of herein as unreasonable and unjust. It appears from the testimony that a switching charge between the points mentioned was put in by respondent at request of complainants and fixed by respondent at 40 cents per gross ton; that the traffic all moved under said rate; that complainants are mistaken in their contention that the traffic was all switched direct from the Johnsonville junction to Atwoods crossing, the fact being made to appear to the satisfaction of the Commission that 13 cars were so switched and the remainder were hauled to Atwoods crossing via Valley Falls,

a distance of three and three-fifths miles, as against the distance of one and one-fifth miles over respondent's line direct from the Johnsonville junction to Atwoods crossing; that it was necessary to switch these cars of crushed stone via Valley Falls in order to avoid movement against respondent's current general train operation; that the 13 cars were moved direct from Johnsonville junction to Atwoods crossing during cessation of the tariff caused by a train accident. It further appears to the Commission that the charge of 40 cents per gross ton is not shown by the evidence to have been unjust and unreasonable for the particular service performed, and it is

Ordered: That said complaint be and it is hereby dismissed.

[Case No. 1317]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
Commissioners.

L. W. EMERSON, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $28.96.

Upon a shipment made on February 18, 1909, of one carload of paint ore over The Delaware and Hudson Company's railroad from The Glen to Troy within this State, respondent, the Delaware and Hudson Company, charged and collected from complainant, L. W. Emerson, for the transportation thereof the sum of $47.06, computed at a rate of 13 cents per hundred pounds upon a carload weight of 36,200 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908. Respondent states that rate of $1 per net ton on said shipment was quoted by it to complainant previous to the movement thereof, but through misunderstanding of complainant said shipment was forwarded before the rate of $1 per net ton became effective. Respondent put in effect on March 15, 1909, a rate of $1 per net ton on carload shipments of said commodity from said point of shipment to destination as shown by its freight tariff P. S. C., 2 N. Y., No. 1879, filed with the Commission February 13, 1909. Complainant claims, and respondent admits, that the said rate of 13 cents per hundred pounds was excessive, and respondent further admits that the said rate of $1 per net ton which was made effective March 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $47.06, the amount collected upon said shipment, and $18.10, the sum produced by a rate of $1 per net ton upon a carload weight of 36,200 pounds, that is to say, $28.96, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, L. W. Emerson, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $28.96 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $47.06 for transportation of the shipment aforesaid.

[Case No. 1318]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
Commissioners.

SKILLINGS, WHITNEYS & BARNES LUMBER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Respondents.

Authority to refund $571.11.

During the period from October 28, 1907, to January 31, 1908, complainant, Skillings, Whitneys & Barnes Lumber Company, shipped consignments of box shooks from Ogdensburg over the Rutland railroad to Norwood, thence over the New York Central and Hudson River railroad to Utica, and thence over the New York, Ontario and Western railway to New Berlin, Norwich, and Middletown, all within the State of New York, for the transportation of which the Rutland Railroad Company and respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, exacted payment as follows:

From Ogdensburg to New Berlin, five carloads, aggregate weight 211,300 pounds, at 16¾ cents per hundred pounds	$353 93
From Ogdensburg to Norwich, seventeen carloads, aggregate weight 721,400 pounds, at 15¼ cents per hundred pounds	1,100 12
From Ogdensburg to Middletown, five carloads, aggregate weight 211,900 pounds, at 17¾ cents per hundred pounds	376 12
A total of	$1,830 17

Said charges were made in accordance with combination of proportional commodity rate of 2 cents per hundred pounds on carload shipments of box shooks from Ogdensburg to Norwood as shown in Rutland Railroad Company freight tariff P. S. C., 2 N. Y., No. 97, filed with the Commission September 26, 1907, and commodity rates from Norwood of 14¾ cents per hundred pounds to New Berlin, 13¼ cents per hundred pounds to Norwich, and 15¾ cents per hundred pounds to Middletown, as shown in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 503, issued jointly with New York, Ontario and Western Railway Company and applying via Utica, filed with the Commission September 23, 1907. It appears that the transportation charges were paid by the consignee and credit therefor allowed to the consignee by the consignor, complainant. It also appears that prior to October 28, 1907, a rate of 2 cents per hundred pounds was in force on shipments of said commodity in carloads from Ogdensburg to Norwood applicable on shipments destined to points on the New York, Ontario and Western railway to which no joint through rates were in effect, as shown by said Rutland Railroad Company freight tariff P. S. C., 2 N. Y., No. 97, and a proportional rate of 9 cents per hundred pounds on said commodity in carloads from Norwood ex-Ogdensburg via Rutland railroad to New Berlin, Norwich, and Middletown via Utica and the New York, Ontario and Western railway as shown by The New York Central and Hudson River Railroad Company freight tariff N–536, which said last named tariff through inadvertence was canceled prior to November 1, 1907, the ultimate date fixed by the Commission for the initial filing of tariffs after the Public Service Commissions Law became effective, and was therefore not filed with the Commission; that after the cancellation of said last named tariff complainant continued to make shipments of said commodity in carloads from said point of shipment to destinations, relying upon its belief that the rates under which previous shipments had been transported were still in effect; and it was not until on or about February

1, 1908, that complainant became aware of the fact that said rate of 9 cents per hundred pounds had been canceled. Effective June 5, 1909, a rate of 9 cents per hundred pounds was reëstablished on carload shipments of box shooks from Norwood, applying on shipments from points beyond, to New Berlin, Norwich, and Middletown via Utica and the New York, Ontario and Western railway, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y. No. 5976, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission May 5, 1909, which rate, plus the rate of 2 cents per hundred pounds effective on carload shipments of said commodity from Ogdensburg to Norwood, makes a combination through rate of 11 cents per hundred pounds. Complainant claims, and respondents admit, that their said rates as originally applied on said shipments, which in combination with said rate of 2 cents per hundred pounds of the Rutland Railroad Company resulted in a total charge of $1830.17, were excessive, and respondents further admit that the said rate of 9 cents per hundred pounds which was made effective June 5, 1909, would be a just and reasonable charge applied to the shipments in question in combination with said present effective rate of 2 cents per hundred pounds in force on the Rutland railroad. It appearing to the Commission that reparation to the extent of the difference between said total charge of $1830.17 as originally applied and collected upon said shipments, and $1259.06, the sum produced by a combination rate of 2 cents per hundred pounds and 9 cents per hundred pounds as aforesaid upon the aggregate weight of said shipments of 1,144,600 pounds, that is to say, $571.11, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Skillings, Whitneys & Barnes Lumber Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and New York, Ontario and Western Railway Company, the sum of $571.11 as reparation for their proportional part of said excessive charge of $1830.17 exacted for transportation of the shipments aforesaid.

[Case No. 1324]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

C. H. FLANIGAN, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $194.75.

Upon shipments of three carloads of crushed stone on October 13, 1909, from Akin, N. Y., on the New York Central and Hudson River railroad, to South Amsterdam, N. Y., on the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, C. H. Flanigan, for transportation and demurrage the sum of $245.92. Akin is a non-agency station on the Mohawk division of respondent, a short distance west of Amsterdam. Respondent states that when said shipments were forwarded no inquiry was made for rate thereon; that as crushed stone is not produced at Akin there was no commodity rate on crushed stone in force therefrom, and the shipments were necessarily charged at the effective sixth-class rate of 10½ cents per hundred pounds, carloads, minimum weight 40,000 pounds, as contained in its freight tariff P. S. C., 2 N. Y., No. 6572, issued jointly with the West Shore Railroad Company, filed with the Com-

mission July 31, 1909. The shipments weighed respectively 80,120, 84,560, and 16,000 pounds, and in accordance with the effective minimum carload weight transportation charges were assessed on an aggregate weight of 204,680 pounds, amounting to $214.92. Respondent also states that upon arrival of said shipments at destination complainant refused to accept delivery of the shipments on account of excessive charges; that on October 27, 1909, complainant accepted delivery of the shipments and paid said transportation charge and demurrage charges of $31 which had accrued, a total of $245.92. On the date said shipments moved there was in effect a rate of 50 cents per net ton on crushed stone, carloads, minimum weight marked capacity of car, but not less than 40,000 pounds, applying from South Amsterdam to Akin, as shown by West Shore Railroad Company freight tariff P. S. C., 2 N. Y., No. 1440, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission April 14, 1909. Effective November 6, 1909, in accordance with special permission order of the Commission No. 1278, a rate of 50 cents per net ton was established on shipments of crushed stone, carloads, minimum weight 40,000 pounds, applying from Akin to South Amsterdam, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 7094, issued jointly with the West Shore Railroad Company, filed with the Commission November 4, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 50 cents per net ton on carload shipments of said commodity, minimum weight 40,000 pounds, from Akin to South Amsterdam, which was made effective November 6, 1909, would be a just and reasonable charge applied to the shipments in question, and also that the collection of said demurrage charges which accrued pending the payment by complainant of said excessive transportation charge under the circumstances was unjust and unreasonable. It appearing to the Commission that reparation to the extent of the difference between the total of said transportation and demurrage charges amounting to $245.92, and a transportation charge of $51.17, the sum produced by a rate of 50 cents per net ton upon an aggregate weight of 204,680 pounds, that is to say, $194.75, should be allowed to complainant,

It is Ordered, that the complainant, C. H. Flanigan, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $194.75 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $245.92 for transportation of the shipments and demurrage charges thereon as aforesaid.

[Case No. 1242]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

J. W. BARWELL, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondents.

Authority to refund $2.20.

Formal complaint was filed with the Commission by J. W. Barwell of Waukegan, Illinois, against The Delaware, Lackawanna and Western Railroad Company and The New York Central and Hudson River Railroad Company, as to an alleged unjust and unreasonable charge of $8.20 for the

carriage of a less than carload shipment of forty bags of ground feed, of weight 4000 pounds, transported on or about April 7, 1909, from Binghamton, N. Y., over the Delaware, Lackawanna and Western railroad to Utica, N. Y., and thence over the New York Central and Hudson River railroad to Stittville, N. Y., such charge being computed at the effective rate of 20½ cents per hundred pounds upon less than carload shipments of said commodity as contained in The Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 290, issued jointly with The New York Central and Hudson River Railroad Company, filed with the Commission October 7, 1907. At the time said shipment was transported there were in effect on less than carload shipments of said commodity a local rate of 10 cents per hundred pounds from Binghamton to Utica over the Delaware, Lackawanna and Western railroad as contained in its freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission September 20, 1907, and a local rate of 5 cents per hundred pounds from Utica to Stittville over the New York Central and Hudson River railroad as contained in its freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908, making a combination of local rates of 15 cents per hundred pounds. It also appears that the transportation charge was borne by the consignee and credit therefor allowed to consignee by the complainant. Copies of the complaint were served upon respondents, which conceded that the rate complained of was excessive and that a rate of 15 cents per hundred pounds would be a just and reasonable charge applied to the shipment in question. Application by respondents for authority to make reparation to complainant was received, and effective October 31, 1909, a rate of 15 cents per hundred pounds was established on less than carload shipments of feed from Binghamton to Stittville as shown by supplement No. 1 to The Delaware, Lackawanna and Western Railroad Company freight tariff No. 642, issued in connection with The New York Central and Hudson River Railroad Company, filed with the Commission September 30, 1909. It appearing to the Commission that reparation to the extent of the difference between $8.20, the amount collected upon said shipment, and $6, the sum produced by a rate of 15 cents per hundred pounds upon a weight of 4000 pounds, that is to say, $2.20, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, J. W. Barwell, is entitled to recover from respondents, The Delaware, Lackawanna and Western Railroad Company and The New York Central and Hudson River Railroad Company, the sum of $2.20, as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $8.20 for transportation of the shipment aforesaid.

[Case No. 1346]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

TRADERS BOX AND LUMBER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $337.04.

Upon shipments made during the period from May 14 to November 24, 1908, of forty carloads of lumber over the New York Central and Hudson River railroad from Castorland to Kent Street station, Rochester, within this State, respondent, The New York Central and Hudson River Railroad

Company, charged and collected from complainant, Traders Box and Lumber Company, for the transportation thereof the sum of $1853.72, computed at a rate of 11 cents per hundred pounds upon an aggregate weight of 1,685,200 pounds. Such charge was made in accordance with effective rate on said commodity as shown in respondent's freight tariff P. S. C., 2 N. Y., No. 1155, filed with the Commission September 25, 1907. It appears that during the period said shipments were transported respondent had in effect a rate of 9 cents per hundred pounds on carload shipments of said commodity from Castorland to State Street station, Rochester, as shown by its freight tariff P. S. C., 2 N. Y., No. 2380, filed with the Commission October 1, 1907, but this rate was inapplicable to shipments delivered at Kent Street station. Respondent declares that prior to 1908 complainant's place of business in Rochester was located adjacent to respondent's State Street station and complainant received carload freight at State Street station; that subsequently complainant removed its place of business to another section of the city of Rochester and thereafter carload freight consigned to complainant was way-billed to and delivered to complainant at said Kent Street station; that said shipments were originally way-billed to Rochester at a rate of 9 cents per hundred pounds for delivery at State Street station and afterward corrected, increasing the charges to a rate of 11 cents per hundred pounds due to the necessity of delivery at Kent Street station and in accordance with tariff authority as aforesaid. Effective May 15, 1909, respondent established a rate of 9 cents per hundred pounds on carload shipments of lumber from Castorland to State Street station, Kent Street station, and Portland Avenue station, Rochester, as shown by its freight tariff P. S. C., 2 N. Y., No. 5551, filed with the Commission April 14, 1909. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits that the said rate of 9 cents per hundred pounds which was made effective May 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $1853.72, the amount collected upon said shipments, and $1516.68, the sum produced by a rate of 9 cents per hundred pounds upon an aggregate weight of 1,685,200 pounds, that is to say, $337.04, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Traders Box and Lumber Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $337.04 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $1853.72 for transportation of the shipments aforesaid.

[Case No. 1347]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HENRY WILHELM, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent.

Authority to refund $4.44.

Upon a shipment made on August 29, 1908, of one carload of excelsior over The Delaware and Hudson Company's railroads from North Creek to Binghamton within this State, respondent, The Delaware and Hudson Company, charged for the transportation thereof the sum of $37.76, computed

at a rate of 17 cents per hundred pounds upon a carload weight of 22,214 pounds. Such charge was made in accordance with effective fifth-class rate on said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 31, 1907. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainant, consignor. At the time said shipment moved respondent had in effect a rate of 15 cents per hundred pounds on carload shipments of said commodity from said point of shipment via Binghamton to points beyond said point of destination as contained in its freight tariff P. S. C., 2 N. Y., No. 537, filed with the Commission September 20, 1907, but which rate was inapplicable to shipment transported as aforesaid. Effective December 21, 1908, respondent established a rate of 15 cents per hundred pounds on carload shipments of said commodity from North Creek to Binghamton as shown by its freight tariff P. S. C., 2 N. Y., No. 1804, filed with the Commission November 20, 1908. Complainant claims, and respondent admits, that the said rate of 17 cents per hundred pounds was excessive, and respondent further admits that the said rate of 15 cents per hundred pounds which was made effective December 21, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $37.76, the amount collected upon said shipment, and $33.32, the sum produced by a rate of 15 cents per hundred pounds upon a carload weight of 22,214 pounds, that is to say, $4.44, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Henry Wilhelm, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $4.44 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $37.76 for transportation of the shipment aforesaid.

[Case No. 1349]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

Nyack Trap Rock Company, Complainant, *v.* The New York Central and Hudson River Railroad Company and Erie Railroad Company, Respondents.

Authority to refund $98.38.

Upon shipments made on April 4, 6, 7, and 9, 1908, of four carloads of crushed stone from West Nyack, N. Y., over the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) via West Haverstraw, N. Y., to Piermont, N. Y., on the Northern Railroad of New Jersey (Erie Railroad Company, lessee), respondents, The New York Central and Hudson River Railroad Company and Erie Railroad Company, charged complainant, Nyack Trap Rock Company, for the transportation thereof the sum of $262.34, computed at a rate of $1.44 per net ton upon an aggregate weight of 364,350 pounds. Such charge was made in accordance with effective rate of 44 cents per net ton upon carload shipments of said commodity from West Nyack to West Haverstraw as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 51, filed with the Commission September 18, 1907, and effective sixth-class rate of $1 per net ton upon carload shipments of said commodity from West Haverstraw to Piermont as shown by Erie Railroad Company joint freight tariff P. S. C.,

2 N. Y., No. 14, filed with the Commission September 25, 1907. Effective July 17, 1908, a through rate of 90 cents per net ton was established on shipments of crushed stone, carloads, from West Nyack via West Haverstraw to Piermont as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1010, filed with the Commission June 16, 1908. Complainant claims, and respondents admit, that the said rate of $1.44 per net ton was excessive, and respondents further admit that the said rate of 90 cents per net ton which was made effective July 17, 1908, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $262.34, the amount collected upon said shipments, and $163.96, the sum produced by a rate of 90 cents per net ton upon an aggregate weight of 364,350 pounds, that is to say, $98.38, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Nyack Trap Rock Company, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and Erie Railroad Company, the sum of $98.38 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $262.34 for transportation of the shipments aforesaid.

[Case No.1350]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE ONONDAGA COARSE SALT ASSOCIATION, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $36.05.

Upon shipments made on September 30 and October 31, 1908, of two carloads of salt over the New York Central and Hudson River railroad from Syracuse to Boonville within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $68.10, computed at a rate of 8½ cents per hundred pounds upon an aggregate weight of 80,120 pounds. Such charge was made in accordance with effective sixth-class rate on carload shipments of said commodity under authority of respondent's tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. It appears that the transportation charges were paid by the consignees and the excess over a rate of 4 cents per hundred pounds allowed to consignees by the consignor, complainant. It also appears that at the time said shipments were transported respondent had in effect its tariff P. S. C., 2 N. Y., No. 4177, filed with the Commission July 7, 1908, naming rate on salt, carloads, from Syracuse and Solvay, N. Y., to various points on its lines, including Boonville, Syracuse being intermediate to Solvay and Boonville; that during the preparation of said tariff, through clerical error, a reference mark was prefixed to Boonville indicating that rates to Boonville were applicable from Solvay only; and said tariff also provided by reference note that during the period from May 1st to November 15th the rate to Boonville would be 4 cents per hundred pounds, presumably to meet canal competition, but this 4 cent rate was inapplicable from Syracuse by reason of the reference mark prefixed to Boonville. The application of said 4 cent rate was not necessarily unreasonable, but it was undue preference in favor of shippers at Solvay and in disregard of the "long and

short haul" clause of the Public Service Commissions Law. However, this was corrected by respondent in supplement No. 1 to its said tariff P. S. C., 2 N. Y., No. 4177, filed with the Commission October 17, 1908, effective November 20, 1908, which provided for the withdrawal of said 4 cent rate to points along the Black River canal, including Boonville, between May 1st and November 15th, and made applicable a rate of 8 cents per hundred pounds on carload shipments of said commodity from both Syracuse and Solvay to Boonville. Complainant claims, and respondent admits, that the said rate of 8½ cents per hundred pounds was excessive, as compared with the rate from Solvay, and respondent further admits that the said rate of 4 cents per hundred pounds which was in effect from Solvay to Boonville at the time said shipments moved would be a just charge applied to the shipments in question. It appearing to the Commission that the rates on carload shipments of salt from Syracuse and Solvay to Boonville have been equalized, and that the non-application of said 4 cent rate on shipments from Syracuse to Boonville was due to inadvertence of complainant in the preparation of its said tariff P. S. C., 2 N. Y., No. 4177; and it further appearing that reparation to the extent of the difference between $68.10, the amount collected upon said shipments, and $32.05, the sum produced by a rate of 4 cents per hundred pounds upon an aggregate weight of 80,120 pounds, that is to say, $36.05, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Onondaga Coarse Salt Association, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $36.05 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $68.10 for transportation of the shipments aforesaid.

[Case No. 1351]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE CALLANAN ROAD IMPROVEMENT COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $64.20.

Upon a shipment made on June 22, 1908, of one carload of crushed stone from South Bethlehem, N. Y., on the West Shore railroad (leased to and operated by The New York Central and Hudson River Railroad Company) to Oneida, N. Y., on the New York Central and Hudson River railroad, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $89.88, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 85,600 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 204, filed with the Commission September 24, 1907. It appears that the shipment was originally erroneously way-billed at a rate of 60 cents per net ton, the rate in effect on shipments of said commodity from South Bethlehem to points in the immediate vicinity of Oneida, as contained in West Shore railroad freight tariff P. S. C., 2 N. Y., No. 448, filed with the Commission October 4, 1907, but which rate was inapplicable to the shipment transported as aforesaid; that the transportation charge at said rate of 60 cents per net ton, amounting to $25.68, was paid by the consignee and credit

therefor allowed to consignee by the consignor, complainant; that subsequently the charge was corrected to the basis of the effective rate and the difference, amounting to $64.20, paid by complainant. Effective May 15, 1909, a rate of 60 cents per net ton was established on said commodity from said point of shipment to destination as shown by West Shore railroad freight tariff P. S. C., 2 N. Y., No. 1440, filed with the Commission April 14, 1909. Complainant claims, and respondent admits, that the said rate of 10½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 60 cents per net ton which was made effective May 15, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $89.88, the amount collected upon said shipment, and $25.68, the sum produced by a rate of 60 cents per net ton upon a carload weight of 85,600 pounds, that is to say, $64.20, should be allowed to complainant upon said shipment,

It is Ordered, that complainant, The Callanan Road Improvement Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $64.20 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $89.88 for transportation of the shipment aforesaid.

[Case No. 1352]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BOARD OF TRUSTEES OF WHITEHALL, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. **Authority to refund $69.53.**

During the period from April 24 to June 18, 1909, respondent, The Delaware and Hudson Company, switched thirteen carloads of crushed stone of aggregate weight 1,042,900 pounds from the Tub Mountain quarries situated near Whitehall, N. Y., consigned to complainant, Board of Trustees of Whitehall, at Whitehall, N. Y., and charged and collected from complainant for such service the sum of $173.82. Such charge was made under authority of respondent's freight tariff P. S. C., 2 N. Y., No. 1865, filed with the Commission January 19, 1909, in accordance with the following provision therein:

Carload shipments loaded on this company's tracks at any station and switched to other deliveries at same station or on sidings within jurisdiction of station in lieu of cartage, $5 for 30,000 pounds or less, excess in proportion.

Effective June 29, 1909, in accordance with special permission order of the Commission No. 1028, respondent established a switching charge of 20 cents per net ton on said commodity, carloads, minimum weight 50,000 pounds, applying at Whitehall from Tub Mountain quarries for local delivery, as shown by supplement No. 4 to said tariff P. S. C., 2 N. Y., No. 1865, filed with the Commission June 28, 1909. Complainant claims, and respondent admits, that the said rate of $5 for 30,000 pounds or less, excess in proportion, was excessive, and respondent further admits that the said rate of 20 cents per net ton, carloads, minimum weight 50,000 pounds, which was made effective June 29, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $173.82, the amount collected upon said shipments, and $104.29, the sum produced by a rate of 20 cents per net ton

upon an aggregate weight of 1,042,900 pounds, that is to say, $69.53, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Board of Trustees of Whitehall, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $69.53 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $173.82 for switching service as aforesaid.

[Case No. 1353]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BURDETT & HYATT, Complainants, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $12.38.

On May 7 and 13, 1909, respondent, The Delaware and Hudson Company, switched two carloads of stone of aggregate weight 185,700 pounds from the Tub Mountain quarries situated near Whitehall, N. Y., consigned to complainants, Burdett & Hyatt, at Whitehall, and charged and collected from complainants for such service the sum of $30.95. Such charge was made under authority of respondent's freight tariff P. S. C., 2 N. Y., No. 1865, filed with the Commission January 19, 1909, in accordance with the following provision therein:

> Carload shipments loaded on this company's tracks at any station and switched to other deliveries at same station or on sidings within jurisdiction of station in lieu of cartage, $5 for 30,000 pounds or less, excess in proportion.

Effective June 29, 1909, in accordance with special permission order of the Commission No. 1028, respondent established a switching charge of 20 cents per net ton on said commodity, carloads, minimum weight 50,000 pounds, applying at Whitehall from Tub Mountain quarries for local delivery, as shown by supplement No. 4 to said tariff P. S. C., 2 N. Y., No. 1865, filed with the Commission June 28, 1909. Complainants claim, and respondent admits, that the said rate of $5 for 30,000 pounds or less, excess in proportion, was excessive, and respondent further admits that the said rate of 20 cents per net ton, carloads, minimum weight 50,000 pounds, which was made effective June 29, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $30.95, the amount collected upon said shipments, and $18.57, the sum produced by a rate of 20 cents per net ton upon an aggregate weight of 185,700 pounds, that is to say, $12.38, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Burdett & Hyatt, are entitled to recover from respondent, The Delaware and Hudson Company, the sum of $12.38 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $30.95 for switching service as aforesaid.

[Case No. 1354]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ADRIANCE, PLATT & COMPANY, Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $31.59.

Upon shipments made on May 6, 25, June 21, and July 13, 1909, of four carloads of agricultural implements over the New York Central and Hudson River railroad from Poughkeepsie to Potsdam within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected in advance from complainants, Adriance, Platt & Company, for the transportation thereof the sum of $210.60, computed at a rate of 20 cents per hundred pounds upon an aggregate weight of 105,300 pounds. Such charge was made in accordance with effective fifth-class rate on said commodities as shown in respondent's tariff P. S. C., 2 N. Y., No. 3908, filed with the Commission May 12, 1908. It appears that at the time said shipments were transported respondent had in effect a commodity rate of 17 cents per hundred pounds on carload shipments of agricultural implements applying from Poughkeepsie to Norwood, N. Y., Potsdam being intermediate thereto, but which rate was inapplicable to the shipments transported as aforesaid. Respondent declares that heretofore it has been its custom to publish commodity rates on shipments of agricultural implements from Poughkeepsie only to wholesale distributing points designated by shippers, and upon its attention being called to the fact that agricultural implements were being shipped in carloads from Poughkeepsie to Potsdam it issued its tariff P. S. C., 2 N. Y., No. 6557, effective August 23, 1909, establishing a rate of 17 cents per hundred pounds on said commodities in carloads from Poughkeepsie to Potsdam, said tariff having been filed with the Commission July 23, 1909. Complainants claim, and respondent admits, that the said rate of 20 cents per hundred pounds was excessive, and respondent further admits that the said rate of 17 cents per hundred pounds which was made effective August 23, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $210.60, the amount collected upon said shipments, and $179.01, the sum produced by a rate of 17 cents per hundred pounds upon an aggregate weight of 105,300 pounds, that is to say, $31.59, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Adriance, Platt & Company, are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $31.59 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $210.60 for transportation of the shipments aforesaid.

[Case No. 1356]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

TAGGARTS PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $4.52.

Upon eight less carload shipments of iron cores on March 17, April 5, 19, May 8, 31, June 7, 24, and July 10, 1909, over the New York Central and Hudson River railroad from Suspension Bridge to Felts Mills within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Taggarts Paper Company, for the transportation thereof the sum of $36.15, computed at a rate of 20 cents per hundred pounds upon an aggregate weight of 18,075 pounds. Such charge was made in accordance with effective fourth-class rate on said commodity as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. On the dates on which said shipments moved respondent had in effect on less carload shipments of said commodity a rate of 17½ cents per hundred pounds applying from Niagara Falls, N. Y., to Felts Mills, Suspension Bridge being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 5123, filed with the Commission December 31, 1908, but which rate was inapplicable to the shipments transported as aforesaid. Effective July 15, 1909, respondent established a rate of 17½ cents per hundred pounds on less carload shipments of iron cores, applying from Suspension Bridge to Felts Mills, as shown by its freight tariff P. S. C., 2 N. Y., No. 6407, filed with the Commission June 14, 1909. Complainant claims, and respondent admits, that the said rate of 20 cents per hundred pounds was excessive, and respondent further admits that the said rate of 17½ cents per hundred pounds which was made effective July 15, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $36.15, the amount collected upon said shipments, and $31.63, the sum produced by a rate of 17½ cents per hundred pounds upon an aggregate weight of 18,075 pounds, that is to say, $4.52, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Taggarts Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $4.52 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $36.15 for transportation of the shipments aforesaid.

[Case No. 1357]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

BANNER MILLING COMPANY, Complainant, *v.* ERIE RAILROAD COMPANY and DANSVILLE AND MOUNT MORRIS RAILROAD COMPANY, Respondents.

Authority to refund $4.01.

Upon a shipment made on May 17, 1909, of one carload of flour from Buffalo, N. Y., over the Erie railroad via Mount Morris, N. Y., to Sonyea, N. Y., on the Dansville and Mount Morris railroad, respondents, Erie Railroad Company and Dansville and Mount Morris Railroad Company, charged and collected from complainant, Banner Milling Company, for the transportation thereof the sum of $32.14, computed at a rate of 8 cents per hundred pounds upon a carload weight of 40,180 pounds. Such rate was charged in accordance with effective sixth-class rate on said commodity contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 49, issued jointly with Dansville and Mount Morris Railroad Company, filed with the Commission September 25, 1907. At the time said shipment moved there was in effect on carload shipments of grain and grain products a rate of 7 cents per hundred pounds applying from Buffalo to Dansville, N. Y., Sonyea being intermediate thereto, contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 28, filed with the Commission September 25, 1907, but which rate was inapplicable to the shipment transported as aforesaid. The rate at present in effect on grain and grain products, carloads, from said point of shipment to destination is 6 cents per hundred pounds as shown by Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. 1358, issued jointly with Dansville and Mount Morris Railroad Company, filed with the Commission July 2, 1909. Complainant claims, and respondents admit, that the said rate of 8 cents per hundred pounds was excessive, and respondents further admit that the said rate of 7 cents per hundred pounds which was in effect from Buffalo to Dansville at the time said shipment moved, and which has since been reduced, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $32.14, the amount collected upon said shipment, and $28.13, the sum produced by a rate of 7 cents per hundred pounds upon a carload weight of 40,180 pounds, that is to say, $4.01, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Banner Milling Company, is entitled to recover from respondents, Erie Railroad Company and Dansville and Mount Morris Railroad Company, the sum of $4.01 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $32.14 for transportation of the shipment aforesaid.

[Case No. 1358]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

WILLIAM POST & SON, Complainants, *v.* THE LONG ISLAND RAILROAD COMPANY, Respondent. — Authority to refund $96.33.

Upon shipments made on January 8, February 15, 20, March 25, 27, April 17, and August 9, 10, 14, and 26, 1909, of ten carloads of manure over the Long Island railroad from East Williston to Bridgehampton within this State, respondent, The Long Island Railroad Company, charged and collected from complainants, William Post & Son, for the transportation thereof the sum of $278.93, computed at a rate of $1 per net ton upon an aggregate weight of 557,850 pounds. Such charge was made in accordance with effective rate on said commodity, carloads, minimum weight 40,000 pounds, as contained in respondent's freight distance table P. S. C., 2 N. Y., No. 109, and rate schedule P. S. C., 2 N. Y., No. 110, both filed with the Commission October 31, 1907. Previous to April 6, 1908, respondent had in effect on manure, carloads, minimum weight 44,000 pounds, a rate of 65 cents per net ton applying between said points as contained in its freight tariff P. S. C., 2 N. Y., No. 117, filed with the Commission November 21, 1907. Effective September 4, 1909, and in accordance with special permission order of the Commission No. 1151, respondent reëstablished the rate of 65 cents per net ton on manure, carloads, minimum weight 44,000 pounds, as shown by its freight tariff P. S. C., 2 N. Y., No. 247, filed with the Commission August 30, 1909, and respondent states that the cancellation on April 6, 1908, of said rate of 65 cents per net ton as applying between the points mentioned was because it was not aware that shipments of said commodity were being made from East Williston to Bridgehampton. All the cars used for the transportation of said shipments contained weights in excess of 44,000 pounds except two, which carried respectively weights of 40,900 and 43,100 pounds. Compliance with the minimum carload weight provision contained in said tariff P. S. C., 2 N. Y., No. 247, would render necessary charge on additional weight of 4,000 pounds, and which for the purpose of computation would result in an aggregate weight of 561,850 pounds. Complainants claim, and respondent admits, that the said rate of $1 per net ton was excessive, and respondent further admits that the said rate of 65 cents per net ton which was made effective September 4, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $278.93, the amount collected upon said shipments, and $182.60, the sum produced by a rate of 65 cents per net ton upon an aggregate weight of 561,850 pounds, that is to say, $96.33, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, William Post & Son, are entitled to recover from respondent, the Long Island Railroad Company, the sum of $96.33 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $278.93 for transportation of the shipments aforesaid.

[Case No. 1361]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ROCK CUT STONE COMPANY, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondent.

Authority to refund $82.16.

Upon shipments of 24 carloads of crushed stone during the period from September 22 to 27, 1909, over the Delaware, Lackawanna and Western railroad from Rock Cut Switch (Syracuse) to Syracuse, N. Y., respondent, The Delaware, Lackawanna and Western Railroad Company, charged and collected from complainant, Rock Cut Stone Company, for the transportation thereof the sum of $246.48, computed at a rate of 30 cents per net ton upon an aggregate weight of 1,643,200 pounds. Such charge was assessed in accordance with the effective rate on carload shipments of said commodity, under authority of supplement No. 7 to respondent's freight tariff P. S. C., 2 N. Y., No. 442, filed with the Commission August 20, 1909. Respondent states that through inadvertence a rate of 20 cents per net ton on carload shipments of crushed stone from said point of shipment to destination was made inapplicable by the terms of supplement No. 7 to its freight tariff P. S. C., 2 N. Y., No. 442, and a rate of 30 cents per net ton was made effective instead. Effective September 28, 1909, in accordance with special permission order of the Commission No. 1208, a rate of 20 cents per net ton on carload shipments of crushed stone from said point of shipment to destination was reëstablished as shown by supplement No. 8 to respondent's freight tariff P. S. C., 2 N. Y., No. 442, filed with the Commission September 27, 1909. Complainant claims, and respondent admits, that the said rate of 30 cents per net ton was excessive, and respondent further admits that the said reëstablished rate of 20 cents per net ton which was made effective September 28, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $246.48, the amount collected upon said shipments, and $164.32, the sum produced by a rate of 20 cents per net ton upon an aggregate weight of 1,643,200 pounds, that is to say, $82.16, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Rock Cut Stone Company, is entitled to recover from respondent, The Delaware, Lackawanna and Western Railroad Company, the sum of $82.16 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $246.48 for transportation of the shipments aforesaid.

[Case No. 1366]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THOMPSON MILLING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $6.

Upon a shipment on October 15, 1908, of one carload of flour over the New York Central and Hudson River railroad from Middleport to Whitesboro within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from the consignee for the transportation thereof the sum of $38, computed at a rate of 9½ cents per hundred pounds upon a carload weight of 40,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity, carloads, contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that credit for the transportation charge was allowed to the consignee by complainant, consignor. On the date said shipment moved respondent had in effect a rate of 8 cents per hundred pounds on carload shipments of flour applying from Lockport to Whitesboro, Middleport being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 3672, filed with the Commission April 6, 1908, but this rate was inapplicable to the shipment transported as aforesaid. Effective December 3, 1908, a rate of 7 cents per hundred pounds was established on carload shipments of flour applying from Lockport and Middleport to Whitesboro as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 4975, filed with the Commission November 2, 1908, and this rate is now in force. Complainant claims, and respondent admits, that the said rate of 9½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 8 cents per hundred pounds which was in effect from Lockport to Whitesboro on the date said shipment moved would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $38, the amount collected upon said shipment, and $32, the sum produced by a rate of 8 cents per hundred pounds upon a carload weight of 40,000 pounds, that is to say, $6, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Thompson Milling Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $38 for transportation of the shipment aforesaid.

[Case No. 1367]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

MILTON C. ROUSE, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $64.47, and for adjustment of yardage charge.

Upon nineteen less than carload shipments of live stock, comprising 351 calves, 18 hogs, and 3 sheep, of aggregate weight 97,750 pounds, over the New York Central and Hudson River railroad from Chatham, N. Y., to 60th Street stock yards, New York city, during the period from December 8, 1908, to July 13, 1909, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof $244.38, computed at a rate of 25 cents per hundred pounds, and yardage charges of $5.79, a total of $250.17. The transportation charge was properly applicable under authority of respondent's freight tariffs P. S. C., 2 N. Y., No. 5, filed with the Commission August 20, 1907, and P. S. C., 2 N. Y., No. 5301, filed with the Commission February 6, 1909, and did not include yardage charges. It appears that yardage charges of The Union Stock Yard and Market Company, amounting to $36.69, accrued on said shipments, and through inadvertence $30.90 thereof was borne by respondent. It also appears that the charges collected were paid by the consignee and credit therefor allowed to consignee by complainant, consignor. Chatham is the northerly terminus of the Harlem division of respondent. During the period when said shipments were transported respondent had in effect from Ghent, the first station south of Chatham and distant about three miles, to 60th Street, New York city, rates of 50 cents per head on calves and hogs, and 40 cents per head on sheep, when shipped in pick-up cars on Tuesdays only, as shown by its freight tariff P. S. C., 2 N. Y., No. 685, filed with the Commission September 23, 1907, which rates also included yardage on live stock at 60th Street stock yards, New York city. Effective July 16, 1909, respondent established rates of 50 cents per head on calves and hogs, and 40 cents per head on sheep, which rates include yardage, applying from Chatham to 60th Street stock yards, New York city, when shipped in pick-up cars on Tuesdays only, as shown by supplement No. 2 to its freight tariff P. S. C., 2 N. Y., No. 5826, filed with the Commission June 15, 1909. Respondent states that all of the shipments in question were forwarded in pick-up cars on Tuesdays. Complainant claims, and respondent admits, that the said rate of 25 cents per hundred pounds and said yardage charge were excessive, and respondent further admits that the said rate of 50 cents per head on calves and hogs and 40 cents per head on sheep when shipped in pick-up cars on Tuesdays, including yardage, would be just and reasonable charges applied to the shipments in question. Said rates per head applied to 351 calves, 18 hogs, and 3 sheep would result in a charge of $185.70. Therefore, upon the papers on file, including respondent's reduction of the rate challenged, its concession that the charges which were originally made were excessive, and its admission of liability, and it appearing to the Commission that the relief sought should be granted to complainant,

It is Ordered, that the complainant, Milton C. Rouse, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, as reparation for overcharge for the transportation of said shipments

and yardage charge collected by respondent as aforesaid, the sum of $64.47, being the difference between said unjust and unreasonable total charge of $250.17 and $185.70 the sum produced by said reduced rates.

It is further Ordered, that the complainant, Milton C. Rouse, is entitled to have said yardage charge of $30.90, involved in said shipments and outstanding as aforesaid, adjusted by respondent, The New York Central and Hudson River Railroad Company, in accordance with the provisions of supplement No. 2 to respondent's freight tariff P. S. C., 2 N. Y., No. 5826.

[Case No. 1368]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE UNION BAG & PAPER COMPANY, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $21.06.

On or about March 30, 1909, respondent, The Delaware and Hudson Company, received from a boat line at Troy, N. Y., a consignment of sulphur, comprising four carloads, of an aggregate weight of 210,600 pounds, consigned to complainant, The Union Bag & Paper Company, at Ballston, N. Y. Respondent transported said commodity from Troy to Ballston and exacted from complainant a transportation charge of $147.42, computed at a rate of 7 cents per hundred pounds, such charge being made in accordance with effective sixth-class rate on carload shipments of sulphur as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908. At the time said shipments moved respondent had in effect on sulphur, carloads, received from water transportation lines in connection with which respondent had no through rates in effect, a rate of 6 cents per hundred pounds applying from Troy to Fort Edward, N. Y., Glens Falls, N. Y., and Sandy Hill, N. Y., Ballston being intermediate thereto, as contained in its freight tariff P. S. C., 2 N. Y., No. 1392, filed with the Commission December 31, 1907, but which rate was inapplicable to the shipments transported as aforesaid. Effective June 16, 1909, respondent established a rate of 6 cents per hundred pounds on sulphur, carloads, received from water transportation lines in connection with which it has no through rates in effect, as shown by its freight tariff P. S. C., 2 N. Y., No. 2007, filed with the Commission May 15, 1909. Respondent states that no through rates were in effect with the boat line from which said shipments were received. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective June 16, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $147.42, the amount collected upon said shipments, and $126.36, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 210,600 pounds, that is to say, $21.06, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Union Bag & Paper Company, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $21.06 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $147.42 for transportation of the shipments aforesaid.

[Case No. 1369]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HENRY HARRISON COMPANY, INC., Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondents.

Authority to refund $20.99.

Upon a shipment made on October 5, 1908, of one carload of wheat from Bergen, N. Y., over the New York Central and Hudson River railroad to Baldwinsville, N. Y., on the Delaware, Lackawanna and Western railroad, respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, charged for the transportation thereof the sum of $62.95, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 59,948 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 2721, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission October 30, 1907. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainant, consignor. At the time said shipment moved there was in effect a rate of 7 cents per hundred pounds on carload shipments of wheat applying from Batavia, N. Y., and Byron, N. Y., to Baldwinsville, Bergen being intermediate thereto, as contained in The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 3753, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission April 16, 1908, but which rate was inapplicable to a shipment transported as aforesaid. It also appears that previous to the movement of said shipment The New York Central and Hudson River Railroad Company informed complainant that a rate of 7 cents per hundred pounds on said commodity, carloads, would be established from Bergen to Baldwinsville, subject to advice of acceptance and allowance of sufficient time for publication of tariff, but through inadvertence said rate was not made effective until October 6, 1908, as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 4729, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission September 4, 1908; which rate was subsequently reduced to 6 cents per hundred pounds as shown by The New York Central and Hudson River Railroad Company freight tariff P. S. C., 2 N. Y., No. 5624, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission April 23, 1909. Complainant claims, and respondents admit, that the said rate of 10½ cents per hundred pounds was excessive, and respondents further admit that the said rate of 7 cents per hundred pounds which was made effective October 6, 1908, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $62.95, the amount collected upon said shipment, and $41.96, the sum produced by a rate of 7 cents per hundred pounds upon a carload weight of 59,948 pounds, that is to say, $20.99, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Henry Harrison Company, Inc., is entitled to recover from respondents, The New York Central and Hudson

River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, the sum of $20.99 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $62.95 for transportation of the shipment aforesaid.

[Case No. 1388]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CURTIS BROS. HARDWOOD LUMBER COMPANY, INCORPORATED, Complainant, *v.* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY and ERIE RAILROAD COMPANY, Respondents.

Authority to refund $21.81.

Upon shipments of three carloads of lumber of aggregate weight 145,400 pounds, transported respectively on August 28, September 1 and 8, 1908, from Limestone, N. Y., on the Buffalo, Rochester and Pittsburgh railway, via Salamanca, N. Y., to Jamestown, N. Y., on the Erie railroad, respondents, Buffalo, Rochester and Pittsburgh Railway Company and Erie Railroad Company, charged and collected from complainant, Curtis Bros. Hardwood Lumber Company, Incorporated, for the transportation thereof the sum of $145.40, computed at a rate of 10 cents per hundred pounds. Such charge was made in accordance with effective through rate on said commodity contained in Buffalo, Rochester and Pittsburgh Railway Company freight tariff P. S. C., 2 N. Y., No. 73, issued jointly with Erie Railroad Company, filed with the Commission September 30, 1907. At the time said shipments were transported there were in effect on carload shipments of lumber a local sixth-class rate of 3½ cents per hundred pounds applying from Limestone to Salamanca as contained in Buffalo, Rochester and Pittsburgh Railway Company freight tariff P. S. C., 2 N. Y., No. 53, filed with the Commission September 30, 1907, and a rate of 5 cents per hundred pounds applying from Salamanca to Jamestown as contained in Erie Railroad Company freight tariff P. S. C., 2 N. Y., No. A–137, filed with the Commission January 25, 1908, making a combination of local rates of 8½ cents per hundred pounds. Effective August 23, 1909, and as provided by Rule 50 in the Commission's Circular No. 38, a through rate of 8½ cents per hundred pounds on lumber, carloads, was established applying from Limestone via Salamanca to Jamestown as shown by supplement No. 12 to Buffalo, Rochester and Pittsburgh Railway Company freight tariff P. S. C., 2 N. Y., No. 73, issued jointly with the Erie Railroad Company, filed with the Commission, August 20, 1909. Complainant claims, and respondents admit, that the said rate of 10 cents per hundred pounds was excessive, and respondents further admit that the said rate of 8½ cents per hundred pounds which was made effective August 23, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $145.40, the amount collected upon said shipments, and $123.59, the sum produced by a rate of 8½ cents per hundred pounds upon an aggregate weight of 145,400 pounds, that is to say, $21.81, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Curtis Bros. Hardwood Lumber Company, Incorporated, is entitled to recover from respondents, Buffalo, Rochester and Pittsburgh Railway Company and Erie Railroad Company, the sum of $21.81 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $145.40 for transportation of the shipments aforesaid.

[Case No. 1389]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HARRY YATES, Complainant, *v.* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, Respondent.

Authority to refund $5.

Upon a shipment of one carload of brick, consisting of 9000 glazed and 1000 common brick, on July 20, 1909, over the Buffalo, Rochester and Pittsburgh railway from the Jewettville Pressed and Paving Brick Company's plant at Jewettville, N. Y., to the Buffalo Clay Manufacturing Company's switch at Orchard Park, N. Y., respondent, Buffalo, Rochester and Pittsburgh Railway Company, charged and collected from complainant, Harry Yates, for the transportation thereof the sum of $9, computed at a rate of 30 cents per net ton upon a carload weight of 60,000 pounds. On the date said shipment moved the effective rate on glazed brick, carloads, from Jewettville to Orchard Park was the local fifth-class rate of 3½ cents per hundred pounds as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 53, filed with the Commission September 30, 1907, and at the same time there was in effect a rate of 30 cents per net ton on common brick, carloads, applying from Jewettville Brick Siding to Orchard Park as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 336, filed with the Commission June 30, 1908 In accordance with the provisions of the official classification the rate properly applicable to said shipment was that applying to glazed brick, inasmuch as the larger part of the shipment was composed of glazed brick, but respondent applied the rate on common brick as aforesaid. Effective August 4, 1909. in accordance with special permission order of the Commission No. 1105, respondent established a rate of $4 per car for the movement of carload freight of any kind between Jewettville (Jewettville Pressed and Paving Brick Company's siding) and Orchard Park (Buffalo Clay Manufacturing Company's siding) as shown by its freight tariff P. S. C., 2 N. Y., No. 447, filed with the Commission August 2, 1909. Complainant claims, and respondent admits, that the said rate of 30 cents per net ton which was applied, and the said rate of 3½ cents per hundred pounds which should have been applied, are excessive; and respondent further admits that the said rate of $4 per car which was made effective August 4, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $9, the amount collected upon said shipment, and $4 per car under authority of the present existing rate on all carload freight as contained in respondent's said freight tariff P. S. C., 2 N. Y., No. 447, that is to say, $5, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Harry Yates, is entitled to recover from respondent, Buffalo, Rochester and Pittsburgh railway, the sum of $5 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $9 for transportation of the shipment aforesaid.

[Case No. 1390]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ST. REGIS PAPER COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $0.42.

Upon a less than carload shipment of iron cores on June 5, 1909, over the New York Central and Hudson River railroad from Rochester to Carthage within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, St. Regis Paper Company, for the transportation thereof the sum of $5.21, computed at a rate of 19 cents per hundred pounds upon a weight of 2740 pounds. Such charge was made in accordance with effective fourth-class rate on less than carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. At the time said shipment moved there was in effect on less than carload shipments of iron cores a rate of 17½ cents per hundred pounds applying from Buffalo, N. Y., to Carthage, Rochester being intermediate thereto, but said rate was inapplicable to the shipment transported as aforesaid. Effective October 28, 1909, respondent established a rate of 17½ cents per hundred pounds on less than carload shipments of iron cores applying from Rochester to Carthage as shown by its freight tariff P. S. C., 2 N. Y., No. 6957, filed with the Commission September 27, 1909. Complainant claims, and respondent admits, that the said rate of 19 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 17½ cents per hundred pounds which was made effective October 28, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $5.21, the amount collected upon said shipment, and $4.79, the sum produced by a rate of 17½ cents per hundred pounds upon a weight of 2740 pounds, that is to say, $0.42, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, St. Regis Paper Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $0.42 as a reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $5.21 for transportation of the shipment aforesaid.

[Case No. 1386]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

F. E. VAIL, Complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, Respondent. — Authority to refund $80.10.

Upon shipments of eight carloads of potatoes of aggregate weight 277,400 pounds over the Long Island railroad from various places on Long Island to Pier 32, East river, New York city, during the period from July 28 to August 18, 1909, respondent, The Long Island Railroad Company, charged and collected from complainant, F. E. Vail, for the transportation thereof, as follows:

From Riverhead, one carload, 31,200 pounds, at 12 cents per hundred pounds	$37 44
From Aquebogue, one carload, 33,400 pounds, at 13 cents per hundred pounds	43 42
From Mattituck, four carloads, 148,000 pounds, at 13 cents per hundred pounds	192 40
From Cutchogue, two carloads, 64,800 pounds, at 13 cents per hundred pounds	84 24
A total of	$357 50

Said charges were assessed in accordance with rates on carload shipments of said commodity under authority of respondent's freight tariff P. S. C., 2 N. Y., No. 232, filed with the Commission April 3, 1909. It appears that previous to May 15, 1907, there was in effect on carload shipments of potatoes from said points to Pier 32, East river, New York city, a rate of 10 cents per hundred pounds as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 23, filed with the Commission September 12, 1907; that from May 15, 1907, to July 21, 1909, respondent placed an embargo on carload shipments of freight in bulk from points on its line to Pier 32, East river, New York city, owing to lack of facilities at the pier to handle carload shipments in bulk, which was occasioned by the rebuilding of the pier by the city of New York. Effective August 23, 1909, respondent reëstablished a rate of 10 cents per hundred pounds on potatoes, carloads, minimum weight 30,000 pounds, applying from said points of shipment to said pier, as shown by its freight tariff P. S. C., 2 N. Y., No. 245, filed with the Commission August 17, 1909. Complainant claims, and respondent admits, that the said rates of 12 and 13 cents per hundred pounds as charged and collected were excessive, and respondent further admits that the said rate of 10 cents per hundred pounds which was made effective August 23, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $357.50, the amount collected upon said shipments, and $277.40, the sum produced by a rate of 10 cents per hundred pounds upon the aggregate weight of said shipments of 277,400 pounds, that is to say, $80.10, should be allowed to complainant,

It is Ordered, that the complainant, F. E. Vail, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $80.10 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $357.50 for transportation of the shipments aforesaid.

[Case No. 1387]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CARROLL BROTHERS, Complainants, *v.* LEHIGH VALLEY RAILROAD COMPANY, Respondent. — Authority to refund $397.91.

Upon shipments made during the period from May 23 to and including June 23, 1909, of 299 carloads of limestone over the Lehigh Valley railroad from Williamsville to South Buffalo within this State, respondent, Lehigh Valley Railroad Company, charged and collected for the transportation thereof the sum of $3713.54, computed at a rate of 25 cents per net ton upon an aggregate weight of 29,708,000 pounds. Such charge was made in accordance with effective rate on said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. D–1179, filed with the Commission April 22, 1909. Apparently the freight transportation charges were borne by the consignee and credit therefor allowed to consignee by complainants, consignors. Previous to May 23, 1909, respondent had in effect on carload shipments of said commodity from said point of shipment to destination on a rate of 25 cents per gross ton as contained in its freight tariff P. S. C., 2 N. Y., No. D–391, filed with the Commission September 30, 1907. Respondent states that the rate of 25 cents per net ton was established through inadvertence; and effective June 24, 1909, in accordance with special permission order of the Commission No. 1014, respondent reëstablished a rate of 25 cents per gross ton on carload shipments of limestone from Williamsville to South Buffalo as shown by supplement No. 2 to its said tariff P. S. C., 2 N. Y., No. D–1179, filed with the Commission June 22, 1909. Complainants claim, and respondent admits, that the said rate of 25 cents per net ton was excessive, and respondent further admits that the said rate of 25 cents per gross ton which was made effective June 24, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $3713.54, the amount collected upon said shipments, and $3315.63, the sum produced by a rate of 25 cents per gross ton upon an aggregate weight of 29,708,000 pounds, that is to say, $397.91, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Carroll Brothers, are entitled to recover from respondent, Lehigh Valley Railroad Company, the sum of $397.91 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $3713.54 for transportation of the shipments aforesaid.

[Case No. 1383]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE SPRINGVILLE CANNING COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $58.22.

Upon shipments of three carloads of tomato plants, weighing respectively 28,720, 34,960, and 33,360 pounds, on May 29, June 2 and 5, 1909, over the New York Central and Hudson River railroad from Wilson to Barker within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, The Springville Canning Company, for the transportation thereof the sum of $116.44, computed at a rate of 12 cents per hundred pounds upon an aggregate weight of 97,040 pounds. Such charge was assessed in accordance with effective rate on said commodity, carloads, minimum weight 10,000 pounds, contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. Wilson and Parker are situated on the Niagara Falls line of respondent. At the time said shipments moved there was in effect a rate of 6 cents per hundred pounds on tomato plants, carloads, minimum weight 20,000 pounds, applying from Rochester to Lockport, also in the same territory, to various stations on respondent's Western and Ontario divisions of greater distance than that between Wilson and Barker. Respondent states that if previous to the movement of the shipments request had been made for the establishment of a rate of 6 cents per hundred pounds from said point of shipment to destination it would have been put in force. Effective October 25, 1909, at rate of 6 cents per hundred pounds was established on tomato plants, carloads, minimum weight 20,000 pounds, from Wilson to Barker, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6942, filed with the Commission September 24, 1909. Complainant claims, and respondent admits, that the said rate of 12 cents per hundred pounds was excessive, and respondent further admits that the rate of 6 cents per hundred pounds on carload shipments of tomato plants, minimum weight 20,000 pounds, which was made effective October 25, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference betwen $116.44, the amount collected upon said shipments, and $58.22, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 97,040 pounds, that is to say, $58.22, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Springville Canning Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $58.22 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $116.44 for transportation of the shipments aforesaid.

[Case No. 1384]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

Baldwin Contracting Company, Complainant, *v.* The New York Central and Hudson River Railroad Company, Respondent.

Authority to refund $47.60.

Upon shipments of three carloads of crushed stone on May 26, 1909, over the New York Central and Hudson River railroad from Clarence Center to East Buffalo within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Baldwin Contracting Company, for the transportation thereof the sum of $108.80, computed at a rate of 4 cents per hundred pounds upon an aggregate weight of 272,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on said commodity contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that the shipments in question were originally transported from East Buffalo to Clarence Center and charged at the effective rate of 45 cents per net ton in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 4799, filed with the Commission September 18, 1908; that the shipments were rejected by the consignor at Clarence Center and immediately thereafter were re-consigned to East Buffalo; that crushed stone is not produced at Clarence Center; there was no commodity rate in effect thereon from Clarence Center to East Buffalo, and the shipments were necessarily charged at the effective rate as aforesaid. Effective August 21, 1909, in accordance with special permission order of the Commission No. 1102, respondent established a rate of 45 cents per net ton on crushed stone, carloads, applying from Clarence Center to East Buffalo as shown by supplement No. 3 to its freight tariff P. S. C., 2 N. Y., No. 4799, filed with the Commission August 6, 1909. Complainant claims, and respondent admits, that the said rate of 4 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 45 cents per net ton which was made effective August 21, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $108.80, the amount collected upon said shipments, and $61.20, the sum produced by a rate of 45 cents per net ton upon an aggregate weight of 272,000 pounds, that is to say, $47.60, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Baldwin Contracting Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $47.60 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $108.80 for transportation of the shipments aforesaid.

[Case No. 1385]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE CHURCHILL GRAIN AND SEED COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $39.53.

Upon a returned shipment of one carload of corn transported on May 21, 1909, over the New York Central and Hudson River railroad from Mexico to Buffalo within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $81.70, computed at a rate of 15½ cents per hundred pounds upon a carload weight of 52,710 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity, carloads, from Mexico to Buffalo, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that the shipment was originally forwarded from Buffalo to Mexico by complainant, consignor, for which a transportation charge at the effective rate of 8 cents per hundred pounds was exacted in accordance with respondent's freight tariff P. S. C., 2 N. Y., No. 5306, filed with the Commission February 11, 1909, but said rate did not apply in the reverse direction. The shipment was rejected by the consignee, returned to Buffalo, and transportation charge assessed as above described. It also appears that complainant bore the transportation charge for the return movement. Effective September 13, 1909, respondent established a rate of 8 cents per hundred pounds on carload shipments of said commodity from Mexico to Buffalo as shown by its freight tariff P. S. C., 2 N. Y., No. 6675, filed with the Commission August 11, 1909. Complaint claims, and respondent admits, that the said rate of 15½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 8 cents per hundred pounds which was made effective September 13, 1909, would be a just and reasonable charge applied to the returned shipment in question. It appearing to the Commission that reparation to the extent of the difference between $81.70, the amount collected upon said shipment, and $42.17, the sum produced by a rate of 8 cents per hundred pounds upon a carload weight of 52,710 pounds, that is to say, $39.53, should be allowed to complainant upon said shipment,

It is Ordered, that complainant, The Churchill Grain and Seed Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $39.53, as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $81.70 for transportation of the shipment as aforesaid.

[Case No. 1391]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

STEWART-KERBAUGH-SHANLEY COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $6.

Upon a shipment made on July 24, 1909, of one carload of crushed stone over the New York Central and Hudson River railroad from Rivergate to Redwood within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, Stewart-Kerbaugh-Shanley Company, for the transportation thereof the sum of $21, computed at a rate of 3½ cents per hundred pounds upon a carload weight of 60,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 4155, filed with the Commission July 1, 1908. At the time said shipment moved respondent had in effect a rate of 35 cents per net ton on said commodity, carloads, applying from Gouverneur, N. Y., to Redwood, Rivergate being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 6087, filed with the Commission May 14, 1909, but which rate was inapplicable to shipment transported as aforesaid. It appears that said shipment was transported in Buffalo and Susquehanna railway car No. 11,690, of marked capacity 100,000 pounds. Effective October 21, 1909, respondent established a rate of 30 cents per net ton on carload shipments of crushed stone, minimum weight marked capacity of car, but not less than 40,000 pounds, applying from Rivergate to Redwood, as shown by its freight tariff P. S. C., 2 N. Y. No. 6909, filed with the Commission September 20, 1909. Complaint claims, and respondent admits, that the said rate of 3½ cents per hundred pounds was excessive, and respondent further admits that the said rate of 30 cents per net ton applied to marked capacity of car but of weight not less than 40,000 pounds, which was made effective October 21, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $21, the amount collected upon said shipment, and $15, the sum produced by a rate of 30 cents per net ton upon a car of marked capacity of 100,000 pounds, that is to say, $6, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Stewart-Kerbaugh-Shanley Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $6 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $21 for transportation of the shipment aforesaid.

[Case No. 1392]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

A. F. CHAPMAN & COMPANY, Complainants, *v.* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, Respondent. — Authority to refund $35.

Upon shipments made on August 2, 1909, of two carloads of sand over the Buffalo, Rochester and Pittsburgh railway from Scottsville to Genesee Dock within this State, respondent, Buffalo, Rochester and Pittsburgh Railway Company, charged complainants, A. F. Chapman & Company, for the transportation thereof the sum of $50, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 100,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 53, filed with the Commission September 30, 1907. Effective August 13, 1909, in accordance with special permission order of the Commission No. 1122, respondent established a commodity rate of 30 cents per net ton upon carload shipments of sand applying from said point of shipment to destination as shown by its freight tariff P. S. C., 2 N. Y., No. 455, filed with the Commission August 9, 1909. Respondent states that said reduced rate was established as soon as information was received to the effect that carload shipments of said commodity had moved or were likely to move as herein described. Complainants claim, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said rate of 30 cents per net ton which was made effective August 13, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $50, the amount collected upon said shipments, and $15, the sum produced by a rate of 30 cents per net ton upon an aggregate weight of 100,000 pounds, that is to say, $35, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, A. F. Chapman & Company, are entitled to recover from respondent, Buffalo, Rochester and Pittsburgh Railway Company, the sum of $35 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $50 for transportation of the shipments aforesaid.

[Case No. 1393]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

RICE BROS., Complainants, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent. — Authority to refund $20.53.

Upon shipments of three carloads of tomato plants, weighing respectively 13,280, 10,000, and 17,100 pounds, on May 27, June 2 and 4, 1909, over the New York Central and Hudson River railroad from Sanborn to Fancher

within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainants, Rice Bros., for the transportation thereof the sum of $56.53, computed at a rate of 14 cents per hundred pounds upon an aggregate weight of 40,380 pounds. Such charge was assessed in accordance with effective second-class rate on said commodity, carloads, minimum weight 10,000 pounds, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. Sanborn and Fancher are situated on the Western division of respondent west of Lockport, which is also on said division, and at the time said shipments moved there was in effect a rate of 6 cents per hundred pounds on tomato plants, carloads, minimum weight 20,000 pounds, from Lockport to various stations between which the distance is greater than that from Sanborn to Fancher. Respondent states that if previous to the movement of the shipments request had been made for the establishment of a rate of 6 cents per hundred pounds from said point of shipment to destination, it would have been put in force. Effective October 25, 1909, a rate of 6 cents per hundred pounds was established on tomato plants, carloads, minimum weight 20,000 pounds, from Sanborn to Fancher, as shown by respondent's freight tariff P. S. C., 2 N. Y., No. 6942, filed with the Commission September 24, 1909. Complainants claim, and respondent admits, that the said rate of 14 cents per hundred pounds was excessive, and respondent further admits that the said rate of 6 cents per hundred pounds on carload shipments of tomato plants, minimum weight 20,000 pounds, which was made effective October 25, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $56.53, the amount collected upon said shipments, and $36, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 60,000 pounds in accordance with the minimum carload weight provision contained in respondent's freight tariff P. S. C., 2 N. Y., No. 6942, that is to say, $20.53, should be allowed to complainants upon said shipments,

It is Ordered, that the complainants, Rice Bros., are entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $20.53 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $56.53 for transportation of the shipments aforesaid.

[Case No. 1394]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE UNION BAG & PAPER COMPANY, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $44.97.

On or about June 15, 1909, respondent, The Delaware and Hudson Company, received at Troy, N. Y., from the E. G. Murray Transportation Company, a boat line, a consignment of sulphur, comprising nine carloads, of an aggregate weight of 449,680 pounds, consigned to complainant, The Union Bag & Paper Company, at Ballston, N. Y. Respondent transported said commodity from Troy to Ballston and exacted from complainant therefor transportation charge of $314.78, computed at a rate of 7 cents per hundred pounds, such charge being assessed in accordance with sixth-class rate on sulphur, carloads, contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908. On the date on which said shipments

moved respondent had in effect on sulphur, carloads, received from water transportation lines in connection with which respondent had no through rates in effect, a rate of 6 cents per hundred pounds applying from Troy to Fort Edward, N. Y., Glens Falls, N. Y., and Sandy Hill, N. Y., Ballston being intermediate thereto, as shown in its freight tariff P. S. C., 2 N. Y., No. 1392, filed with the Commission December 31, 1907, but which rate was inapplicable to the shipments transported as aforesaid. Effective June 16, 1909, respondent established a rate of 6 cents per hundred pounds on sulphur, carloads, received from water transportation lines in connection with which it has no through rates in effect as shown by its freight tariff P. S. C., 2 N. Y., No. 2007, filed with the Commission May 15, 1909. It appears that respondent had no through rates in effect with the boat line from which said shipments were received. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective June 16, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $314.78, the amount collected upon said shipments, and $269.81, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 449,680 pounds, that is to say, $44.97, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Union Bag & Paper Company, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $44.97 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $314.78 for transportation of the shipments aforesaid.

[Case No. 1395]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THE UNION BAG & PAPER COMPANY, Complainant, *v.* THE DELAWARE AND HUDSON COMPANY, Respondent. — Authority to refund $22.37.

On or about May 26, 1909. respondent, The Delaware and Hudson Company, received at Green Island, N. Y., from the E. G. Murray Transportation Company, a boat line, a consignment of sulphur, comprising four carloads, of an aggregate weight of 223,700 pounds, consigned to complainant, The Union Bag & Paper Company, at Ballston, N. Y. Respondent transported said commodity from Green Island to Ballston and exacted from complainant therefor transportation charge of $156.59, computed at a rate of 7 cents per hundred pounds, such charge being assessed in accordance with effective sixth-class rate on sulphur, carloads, contained in respondent's freight tariff P. S. C., 2 N. Y., No. 1700, filed with the Commission August 27, 1908. On the date on which said shipments moved respondent had in effect on sulphur, carloads, received from water transportation lines in connection with which respondent had no through rates in effect, a rate of 6 cents per hundred pounds applying from Troy to Fort Edward, N. Y., Glens Falls, N. Y., and Sandy Hill, N. Y., Green Island and Ballston being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 1392, filed with the Commission December 31, 1907, but which rate was inapplicable to the shipments transported as aforesaid. Effective June 16, 1909, respondent established a rate of 6 cents per hundred pounds on sulphur, carloads, received from water transportation lines in connection with which it has no through rates in effect, as shown by its freight tariff P. S. C., 2 N. Y., No. 2007, filed with

the Commission May 15, 1909. It appears that respondent had no through rates in effect with the boat line from which said shipments were received. Complainant claims, and respondent admits, that the said rate of 7 cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 6 cents per hundred pounds which was made effective June 16, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $156.59, the amount collected upon said shipments, and $134.22, the sum produced by a rate of 6 cents per hundred pounds upon an aggregate weight of 223,700 pounds, that is to say, $22.37, should be allowed to complainant upon said shipments,

It is Ordered, that complainant, The Union Bag & Paper Company, is entitled to recover from respondent, The Delaware and Hudson Company, the sum of $22.37 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $156.59 for transportation of the shipments aforesaid.

[Case No. 1396]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

GEORGE E. PIERCE, RECEIVER OF THE FRANKLIN MILLS COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $24.

Upon shipments of two carloads of ex-lake wheat, forwarded respectively on April 27 and May 8, 1909, over the New York Central and Hudson River railroad from Ohio Street, Buffalo, to Batavia within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected from complainant, George E. Pierce, Receiver of the Franklin Mills Company, for the transportation thereof the sum of $60, computed at a rate of 5 cents per hundred pounds upon an aggregate weight of 120,000 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity under authority of respondent's freight tariff P. S. C., 2 N. Y., No. 1, filed with the Commission August 20, 1907. It appears that for some time previous to July 9, 1908, respondent had in effect a rate of 3 cents per hundred pounds on wheat, carloads, applying from Buffalo to Batavia, as shown by its freight tariff P. S. C., 2 N. Y., No. 1988, filed with the Commission September 30, 1907. Effective June 2, 1909, respondent established a rate of 3 cents per hundred pounds on ex-lake wheat, carloads, applying from Buffalo to Batavia, as shown by its freight tariff P. S. C., 2 N. Y., No. 5936, filed with the Commission May 1, 1909. Complainant claims, and respondent admits, that the said rate of 5 cents per hundred pounds was excessive, and respondent further admits that the said rate of 3 cents per hundred pounds which was made effective June 2, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference between $60, the amount collected upon said shipments, and $36, the sum produced by a rate of 3 cents per hundred pounds upon an aggregate weight of 120,000 pounds, that is to say, $24, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, George E. Pierce, Receiver of the Franklin Mills Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $24 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $60 for transportation of the shipments aforesaid.

[Case No. 1397]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

UNITED STATES TALC COMPANY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $24.

Upon shipments made on June 9 and 15, 1909, of two carloads of talc over the New York Central and Hudson River railroad from Gouverneur to Cohoes within this State, respondent, The New York Central and Hudson River Railroad Company, charged for the transportation thereof the sum of $120, computed at a rate of 15 cents per hundred pounds upon an aggregate weight of 80,000 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2730, filed with the Commission October 30, 1907. It appears that the transportation charge was paid by the consignee and credit for $24, being the difference between a rate of 15 cents per hundred pounds and 12 cents per hundred pounds upon said aggregate weight, was allowed to consignee by complainant, consignor. It also appears that previous to August 1, 1908, respondent had in effect a commodity rate of 12 cents per hundred pounds on talc, carloads, applying from said point of shipment to destination, as contained in its freight tariff P. S. C., 2 N. Y., No. 3843, filed with the Commission May 9, 1908, which tariff was superseded on August 1, 1906, by its freight tariff P. S. C., 2 N. Y., No. 4167, filed with the Commission June 30, 1908, and through inadvertence said rate of 12 cents per hundred pounds was omitted therefrom as applying to carload shipments of said commodity from Gouverneur to Cohoes. This error was subsequently detected, and effective July 3, 1909, in accordance with special permission order of the Commission No. 1035, respondent reëstablished a rate of 12 cents per hundred pounds upon carload shipments of talc from Gouverneur to Cohoes as shown by its freight tariff P. S. C., 2 N. Y., No. 6471, filed with the Commission July 1, 1909. Complainant claims, and respondent admits, that the said rate of 15 cents per hundred pounds was excessive, and respondent further admits that said rate of 12 cents per hundred pounds which was made effective July 3, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $120, the amount collected upon said shipment, and $96, the sum produced by a rate of 12 cents per hundred pounds upon aggregate weight of 80,000 pounds, that is to say, $24, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, United States Talc Company, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $24 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $120 for transportation of the shipment aforesaid.

[Case No. 1398]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

HERBERT SHAW, Complainant, *v.* DELAWARE AND EASTERN RAILWAY COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Respondents.

Authority to refund $28.74.

Upon a shipment made on October 7, 1908, of one carload of flagstone from Union Grove, N. Y., over the Delaware and Eastern railway and via East Branch, N. Y., to Middletown, N. Y., on the New York, Ontario and Western railway, respondents, Delaware and Eastern Railway Company and New York, Ontario and Western Railway Company charged for the transportation thereof the sum of $64.67, computed at a rate of 13½ cents per hundred pounds upon a carload weight of 47,900 pounds. Such charge was made in accordance with effective sixth-class through rate on said commodity as contained in Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 26, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission October 24, 1907. It appears that the transportation charge was paid by the consignee and credit therefor allowed to the consignee by complainant, consignor. At the time said shipment moved there was in effect on carload shipments of said commodity a local rate of 50 cents per net ton applying from Union Grove to East Branch as contained in Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 6, filed with the Commission September 27, 1907; also a local rate of $1 per net ton on carload shipments of said commodity applying from East Branch to Middletown as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 989, filed with the Commission April 3, 1908, making a combination of local rates of $1.50 per net ton. Effective January 2, 1909, a through rate of $1.50 per net ton was established on carload shipments of flagstone applying from Union Grove via East Branch to Middletown as shown by Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 99, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission December 1, 1908. Complainant claims, and respondents admit, that the said rate of 13½ cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.50 per net ton which was made effective January 2, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $64.67, the amount collected upon said shipment, and $35.93, the sum produced by a rate of $1.50 per net ton upon a carload weight of 47,900 pounds, that is to say, $28.74, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Herbert Shaw, is entitled to recover from respondents, Delaware and Eastern Railway Company and New York, Ontario and Western Railway Company, the sum of $28.74 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $64.67 for transportation of the shipment aforesaid.

[Case No. 1401]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CRAWFORD BROTHERS, Complainants, *v.* DELAWARE AND EASTERN RAILWAY COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Respondents.

Authority to refund $9.79.

Upon a shipment made on June 27, 1908, of one carload of lumber from Pepacton, N. Y., over the Delaware and Eastern railway via East Branch, N. Y., to Hamden, N. Y., on the New York, Ontario and Western railway, respondents, Delaware and Eastern Railway Company and New York, Ontario and Western Railway Company, charged and collected from complainants, Crawford Brothers, for the transportation thereof the sum of $40.94, computed at a rate of 11½ cents per hundred pounds upon a carload weight of 35,600 pounds. Such charge was made in accordance with effective sixth-class rate on said commodity contained in Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 26, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission October 24, 1907. At the time said shipment moved there was in effect on carload shipments of lumber a local rate of 75 cents per net ton applying from Pepacton to East Branch as contained in Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 9, filed with the Commission September 27, 1907, and a local rate of $1 per net ton applying from East Branch to Hamden as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 519, filed with the Commission September 25, 1907, but a combination of said rates was inapplicable to the shipment transported as aforesaid. Effective June 30, 1909, a through rate of $1.75 per net ton was established on lumber, in carloads, from said point of shipment via East Branch to said destination point as shown by Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 120, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission May 29, 1909. Complainants claim, and respondents admit, that the said rate of 11½ cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.75 per net ton which was made effective June 30, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $40,94, the amount collected upon said shipment, and $31.15, the sum produced by a rate of $1.75 per net ton upon a carload weight of 35,600 pounds, that is to say, $9.79, should be allowed to complainants upon said shipment,

It is Ordered, that the complainants, Crawford Brothers, are entitled to recover from respondents, Delaware and Eastern Railway Company and New York, Ontario and Western Railway Company, the sum of $9.79 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $40.94 for transportation of the shipment aforesaid.

[Case No. 1405]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of December, 1909.

Present:
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

THOMAS D. JOHNSTON, Complainant, *v.* DELAWARE AND EASTERN RAILWAY COMPANY and NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY, Respondents.

Authority to refund $37.13.

Upon a shipment made on September 23, 1908, of one carload of stone from Shinhopple, N. Y., over the Delaware and Eastern railway and via East Branch, N. Y., to Middletown, N. Y., on the New York, Ontario and Western railway, respondents, Delaware and Eastern Railway Company and New York, Ontario and Western Railway Company, charged for the transportation thereof the sum of $94.88, computed at a rate of 11½ cents per hundred pounds upon a carload weight of 82,500 pounds. Such charge was made in accordance with effective sixth-class through rate on said commodity as contained in Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 26, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission October 24, 1907. It appears that the transportation charge was paid by the consignee and credit therefor allowed to consignee by complainant, consignor. At the time said shipment moved there was in effect on carload shipments of stone a local commodity rate of 40 cents per net ton applying from Shinhopple to East Branch as contained in Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 6, filed with the Commission September 27, 1907; also a local commodity rate of $1 per net ton on carload shipments of stone applying from East Branch to Middletown as contained in New York, Ontario and Western Railway Company freight tariff P. S. C., 2 N. Y., No. 989, filed with the Commission April 3, 1908, making a combination of local rates of $1.40 per net ton. Effective September 4, 1909, a through rate of $1.40 per net ton was established on carload shipments of stone applying from Shinhopple via East Branch to Middletown as shown by Delaware and Eastern Railway Company freight tariff P. S. C., 2 N. Y., No. 127, issued jointly with New York, Ontario and Western Railway Company, filed with the Commission August 3, 1909. Complainant claims, and respondents admit, that the said rate of 11½ cents per hundred pounds was excessive, and respondents further admit that the said rate of $1.40 per net ton which was made effective September 4, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $94.88, the amount collected upon said shipment, and $57.75, the sum produced by a rate of $1.40 per net ton upon a carload weight of 82,500 pounds, that is to say, $37.13, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Thomas D. Johnston, is entitled to recover from respondents, Delaware and Eastern Railway Company and New York, Ontario and Western Railway Company, the sum of $37.13 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $94.88 for transportation of the shipment aforesaid.

[Case No. 1423]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JOHN F. DAILEY, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, Respondents.

Authority to refund $23.13.

Upon a shipment of one carload of wheat forwarded on April 23, 1909, from Ransomville, N. Y., over the New York Central and Hudson River railroad, and via Oswego, N. Y., to Baldwinsville, N. Y., on the Delaware, Lackawanna and Western railroad, respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, charged and collected for the transportation thereof the sum of $53.97, computed at a rate of 10½ cents per hundred pounds upon a carload weight of 51,400 pounds. Such charge was assessed in accordance with effective sixth-class rate on carload shipments of said commodity as contained in The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 2721, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission October 31, 1907. Apparently the freight charges were borne by complainant. On the date said shipment moved there was in effect on carload shipments of grain a rate of 6 cents per hundred pounds applying from Lewiston, N. Y., a more distant point than Ransomville, and other points on the New York Central and Hudson River railroad in the vicinity of Ransomville, via Syracuse, N. Y., to Baldwinsville, as shown in The New York Central and Hudson River Railroad Company's freight tariff, P. S. C., 2 N. Y., No. 5112, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission December 28, 1908. Effective May 25, 1909, a rate of 6 cents per hundred pounds was established on carload shipments of wheat, applying from Ransomville via Oswego to Baldwinsville, as shown by The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 5624, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission April 23, 1909. Complainant claims, and respondents admit, that the said rate of 10½ cents per hundred pounds was excessive, and respondents further admit that the said reduced rate of 6 cents per hundred pounds which was made effective May 25, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $53.97, the amount collected upon said shipment, and $30.84, the sum produced by a rate of 6 cents per hundred pounds upon a carload weight of 51,400 pounds, that is to say, $23.13, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, John F. Dailey, is entitled to recover from respondents, The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, the sum of $23.13 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $53.97 for transportation of the shipment aforesaid.

[Case No. 1424]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

CHARLES M. ALLEN, Complainant, *v.* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, Respondent.

Authority to refund $11.25.

Upon a shipment of one carload of excelsior forwarded on May 22, 1909, over the New York Central and Hudson River railroad from Fulton to Batavia within this State, respondent, The New York Central and Hudson River Railroad Company, charged and collected for the transportation thereof the sum of $33.75, computed at a rate of 13½ cents per hundred pounds upon a carload weight of 25,000 pounds. Such charge was assessed in accordance with effective fifth-class rate on said commodity, carloads, as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 2700, filed with the Commission October 28, 1907. It appears that the freight charges were paid by the consignee and credit therefor allowed to the consignee by the complainant, consignor. At the time said shipment moved respondent had in effect on carload shipments of excelsior a rate of 9 cents per hundred pounds applying from Fulton to Buffalo, N. Y., Batavia being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 4163, filed with the Commission June 30, 1908, but which rate was inapplicable to the shipment transported as aforesaid. Effective October 11, 1909, respondent established a rate of 9 cents per hundred pounds on excelsior, carloads, from said point of shipment to destination as shown by its freight tariff P. S. C., 2 N. Y., No. 6773, filed with the Commission September 10, 1909. Complainant claims, and respondent admits, that the said rate of 13½ cents per hundred pounds was excessive, and respondent further admits that the said reduced rate of 9 cents per hundred pounds which was made effective October 11, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $33.75, the amount collected upon said shipment, and $22.50, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 25,000 pounds, that is to say, $11.25, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Charles M. Allen, is entitled to recover from respondent, The New York Central and Hudson River Railroad Company, the sum of $11.25 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $33.75 for transportation of the shipment aforesaid.

[Case No. 1425]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22d day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

NEWPORT CONSTRUCTION COMPANY, Complainant, *v.* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and THE DELAWARE AND HUDSON COMPANY, Respondents.

Authority to refund $409.88.

On or about May 17, 1909, respondent, The Delaware and Hudson Company, received from the Schoharie Valley railway at Schoharie Junction, N. Y., eight carloads of crushed stone consigned to complainant, Newport Construction Company, from Schoharie, N. Y., to Lestershire, N. Y. Said shipments were transported over the Delaware and Hudson Company's railroad from Schoharie Junction to Binghamton, N. Y., and over the Delaware, Lackawanna and Western railroad from Binghamton to Lestershire, for which respondents, The Delaware, Lackawanna and Western Railroad Company and The Delaware and Hudson Company, charged and collected from complainant a transportation charge of $637.58 computed at a rate of 10½ cents per hundred pounds upon an aggregate weight of 607,200 pounds. Such charge was assessed in accordance with effective through sixth-class rate on carload shipments of said commodity applying from Schoharie Junction to Lestershire as shown in The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 32, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission August 31, 1907. On the date said shipments moved there was in effect on carload shipments of crushed stone a local rate of 45 cents per net ton applying from Schoharie Junction to Binghamton as contained in The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 1559, filed with the Commission May 18, 1908, and a local rate of 30 cents per net ton applying from Binghamton to Lestershire as contained in The Delaware, Lackawanna and Western Railroad Company's freight tariff P. S. C., 2 N. Y., No. 442, filed with the Commission March 20, 1908, making a combination of local rates of 75 cents per net ton. Effective November 3, 1909, under authority of Rule No. 50 of the Commission's tariff Circular No. 38, a through rate of 75 cents per net ton was established on carload shipments of crushed stone applying from Schoharie Junction to Lestershire as shown by The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 2198, issued jointly with The Delaware, Lackawanna and Western Railroad Company, filed with the Commission November 1, 1909. Complainant claims and respondents admit, that the said rate of 10½ cents per hundred pounds was excessive, and respondents further admit that the said reduced through rate of 75 cents per net ton which was made effective November 3, 1909, would be a just and reasonable charge applied to the shipments in question. It appearing to the Commission that reparation to the extent of the difference beween $637.58, the amount collected upon said shipments, and $227.70, the sum produced by a rate of 75 cents per net ton upon an aggregate weight of 607,200 pounds, that is to say, $409.88, should be allowed to complainant upon said shipments,

It is Ordered, that the complainant, Newport Construction Company, is entitled to recover from respondents, The Delaware, Lackawanna and Western Railroad Company and The Delaware and Hudson Company, the sum of $409.88 as reparation for and on account of exaction by respondents of said unjust and unreasonable charge of $637.58 for transportation of said shipments from Schoharie Junction via Binghamton to Lestershire as aforesaid.

[Case No. 1426]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

MARTIN PELKOWSKI, Complainant, *v.* THE LONG ISLAND RAILROAD COMPANY, Respondent. — Authority to refund $9.56.

Upon a shipment of one carload of potatoes forwarded on October 11, 1909, over the Long Island railroad from Mattituck to Jamaica within this State, respondent, The Long Island Railroad Company, charged and collected from complaint, Martin Pelkowski, for the transportation thereof the sum of $52.58, computed at a rate of 11 cents per hundred pounds upon a carload weight of 47,800 pounds. Such charge was assessed in accordance with effective fifth-class rate on carload shipments of said commodity as contained in respondent's freight tariff P. S. C., 2 N. Y., No. 110, filed with the Commission October 31, 1907. At the time said shipment moved respondent had in effect a rate of 9 cents per hundred pounds on potatoes, carloads, from Mattituck to Long Island City, N. Y., Jamaica being intermediate thereto, as shown by its freight tariff P. S. C., 2 N. Y., No. 245, filed with the Commission August 17, 1909, but which rate was inapplicable to the shipment transported as aforesaid. Effective December 1, 1909, respondent established a rate of 9 cents per hundred pounds on carload shipments of potatoes applying from Mattituck to Jamaica as shown by its freight tariffs P. S. C., 2 N. Y., No. 255, filed with the Commission October 29, 1909, and P. S. C., 2 N. Y., No. 258, filed with the Commission October 28, 1909. Complainant claims, and respondent admits, that the said rate of 11 cents per hundred pounds was excessive, and respondent further admits the said reduced rate of 9 cents per hundred pounds which was made effective December 1, 1909, would be a just and reasonable charge applied to the shipment in question. It appearing to the Commission that reparation to the extent of the difference between $52.58, the amount collected upon said shipment, and $43.02, the sum produced by a rate of 9 cents per hundred pounds upon a carload weight of 47,800 pounds, that is to say, $9.56, should be allowed to complainant upon said shipment,

It is Ordered, that the complainant, Martin Pelkowski, is entitled to recover from respondent, The Long Island Railroad Company, the sum of $9.56 as reparation for and on account of exaction by respondent of said unjust and unreasonable charge of $52.58 for transportation of the shipment aforesaid.

APPENDIX J

In the Matter of Express Rates and Service by Express Companies.

APPENDIX J

[Case No. 448]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 19, 1909.*

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

Resolved, In the matter of J. R. Clancy against American Express Company, National Express Company, and United States Express Company, that the opinion prepared in this proceeding by Commissioner Decker be adopted and printed as the opinion of the Commission, and that the respondent companies be notified to reduce their transportation charge on returned empty oxygen and hydrogen gas cylinders to one-quarter merchandise rates, pound basis, without the application of a minimum, and providing that the billing of cylinders filled with gas shall be marked "cylinders to be returned collect" upon notice by the shipper of the gas to the agent at the shipping station.

Further Resolved, That in the event of compliance within fifteen days by respondents in accordance herewith no order shall issue, otherwise order to be entered accordingly.

[*See* case following.]

[Case No. 448]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of J. R. CLANCY *against* AMERICAN EXPRESS COMPANY, NATIONAL EXPRESS COMPANY, and UNITED STATES EXPRESS COMPANY.

After due deliberation it is

Ordered: That the above entitled matter be closed on the records of this Commission, in accordance with the provision in the last paragraph of the opinion of the Commission of January 19, 1909, the amending schedule having been put in effect by each of the respondents.

[*See* case preceding.]

[Case No. 298]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 10th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of WILLIAM M. BROWN *against* AMERICAN EXPRESS COMPANY, NATIONAL EXPRESS COMPANY, UNITED STATES EXPRESS COMPANY, WELLS FARGO AND COMPANY, and ADAMS EXPRESS COMPANY.

Whereas, The complaint herein alleges that respondents have been and are failing, neglecting, and refusing to provide adequate and proper service for the receiving, transportation, and delivery of express freight for persons and corporations residing or doing business in that portion of the city of Rochester referred to as the Twenty-first ward, which said ward comprises what was formerly known as the village of Brighton; and

Whereas, It appears that the said complaint arises from failure on the part of respondents to provide a collection and delivery service in said Twenty-first ward east of Hawthorn street for a large amount of express business annually supplied by and for that portion of the city of Rochester, and that such service is furnished by respondents for other parts of the city of Rochester reached from respondents' offices over distances as great or approximately as great as the distance from said offices to residences or places of business in such non-served portion of the Twenty-first ward of said city; and

Whereas, There are located in said non-served part of the Twenty-first ward of Rochester producers of nursery stock engaged in shipping nursery stock by express in considerable volume annually by respondents' express lines or routes to whom as well as other persons or companies there engaged in business and persons there residing the collection and delivery service aforesaid is denied by respondents, while the respondents do provide such collection and delivery service for a number of nursery stock producers located in other parts of the city of Rochester and at as great or approximately as great a distance from respondents' offices as said nurseries in the Twenty-first ward; and

Whereas, The respondents' charges for service to and from all parts of the city of Rochester are the same, whether the said collection or delivery service is or is not performed; and

Whereas, At Brighton station in said non-served part of the Twenty-first ward of Rochester, and on the line of the New York Central and Hudson River railroad, the respondent, American Express Company, has established and does maintain an express office at which express matter may be received and delivered by collection and delivery wagons of said respondent, if it so elects, and the distance from which to said present non-served part of said ward is much less than the distance from other offices of said respondent in Rochester to its present established collection and delivery limits in said city; and

Whereas, It appears from the record in this case that nursery stock is shipped by express from nurseries in the city of Rochester chiefly during the months of April and October in each year, and that during those months the express shipments from said non-served part of the Twenty-first ward of

said city are large, while during other periods of the year the volume of such shipments is small as compared to shipments originating within the present service limits of respondents in said city; and

Whereas, While it appears to the Commission that each of the respondents should reasonably extend their collection and delivery service within the city of Rochester, and that such service can not properly be withheld from said non-served part of the Twenty-first ward of said city for any considerable period in the future without unjust denial of reasonable facilities for express transportation, nevertheless upon the record before the Commission in this case it is deemed just to all parties that requirement for extension of the collection and delivery service to such non-served part of said ward be limited to periods from March 15th to May 1st, and from September 15th to November 1st, in each year, during which periods nursery stock is shipped by express from said city, but that during said periods in each year such collection and delivery service should be general for all persons and firms and companies residing or doing business in said ward; and further, that the order now issued herein should be directed only against the respondent, American Express Company, which has an office within said ward, but that complainant or others interested have leave to apply for further relief by petition and show increased volume of express business to and from that section of Rochester or other conditions claimed to warrant general service by the respondent throughout the year and by any or all of the respondent companies; now, therefore, upon the record as presented in this case, and after due consideration, it is

Ordered: 1. That the respondent, American Express Company, be and is hereby directed and required to provide each year from March 15th to May 1st inclusive, and from September 15th to November 1st inclusive, a general collection and delivery service for all parts of the Twenty-first ward of the city of Rochester not now having such service by its wagons and agents, such collection and delivery service to be the same in character as is provided by said respondent for other parts of the city of Rochester at or near its present collection and delivery limits.

Ordered: 2. That this order shall take effect on March 15, 1909, and shall remain in force until modified, superseded, or abrogated by the Commission upon the application of the respondent or complainant or any interested person or corporation. The necessary change in the tariffs of said respondent, American Express Company, shall be made in the usual way on or before March 15, 1909, without notice, with notation thereon that such change is made in compliance with order of this Commission.

[Case No. 618]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of March, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the Matter of the Complaint of Empire Type Foundry Company of Buffalo, N. Y., as to rates of the American and Adams Express Companies between Delevan and Fishkill Landing.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission.

[Case No. 897]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of CHARLES ROSE of Cobleskill, as to rates of The Delaware and Hudson Company and the National Express Company on shipments of cream in cans between Cobleskill and Albany and Cobleskill and Schenectady.

After due deliberation it is

Ordered: That the above entitled complaint be and hereby is closed on the records of this Commission, attorney for complainant advising that new tariff effective June 22, 1909, satisfactorily disposes of the complaint.

[Case No. 323]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PHILO N. BEEBE ET AL. *against* ELECTRIC EXPRESS COMPANY.

Whereas, The complainants herein have complained against the respondent, that its express rates established between Albany and Schenectady per hundred pounds were on the 25th day of April, 1908, when said complaint was filed, unreasonable and unjust; and further, that the minimum charge for express service was also unreasonable and unjust; and hearings having been held upon said complaint; and

Whereas, During the progress of said hearings the respondent has changed its schedule of rates for service between Albany and Schenectady so as to establish a classified service charge in place of the uniform service charge in operation when said complaint was filed;

Ordered: That the complaint be and is hereby held not sustained so far as the one hundred pound rates between Albany and Schenectady are concerned.

Further Ordered: That on and after the 1st day of August, 1909, the respondent desist from charging its present minimum rates between Albany and Schenectady and put in operation a minimum schedule which shall not exceed: For all classifications, no wagon service, one wagon service, or two wagon service, 15 cents on packages of 50 pounds or less; on packages over 50 pounds, 25 cents; and that said minimum rates above named be inclusive of any charges whatsoever for picking up or delivering packages.

Further Ordered: That this order shall take effect upon the service of a certified copy thereof upon said Electric Express Company, and shall continue in force until modified or abrogated by this Commission.

[Case No. 324]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PHILO N. BEEBE ET AL. *against* UNITED TRACTION COMPANY.

Whereas, The complainants herein have complained against the respondent, that its express rates established between Albany and Troy per hundred pounds were on the 25th day of April, 1908, when said complaint was filed, unreasonable and unjust; and further, that the minimum charge for express service was also unreasonable and unjust; and hearings having been held upon said complaint; and

Whereas, During the progress of said hearings the respondent has changed its schedule of rates for service between Albany and Troy so as to establish a classified service in place of the uniform service in operation when said complaint was filed;

Ordered, That the complaint be and is hereby held not sustained so far as the one hundred pound rates between Albany and Troy are concerned.

Further Ordered: That on and after the 1st day of August, 1909, the respondent desist from charging its present minimum rates between Albany and Troy and put in operation a minimum schedule which shall not exceed: For all classifications, no wagon service, one wagon service, or two wagon service, 15 cents on packages of 50 pounds or less; 20 cents on packages over 50 pounds; and that said minimum rates above named be inclusive of any charges whatsoever for picking up or delivering packages.

Further Ordered: That this order shall take effect upon the service of a certified copy thereof upon said United Traction Company, and shall continue in force until modified or abrogated by this Commission.

[Case No. 821]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of HORACE INMAN *against* AMERICAN EXPRESS COMPANY relative to rate from Amsterdam to Raquette Lake.

Horace Inman of Amsterdam, N. Y., having on the 6th day of April, 1909, filed with the Commission a complaint against American Express Company for charging for transportation of express matter from Amsterdam, N. Y., to Raquette Lake, N. Y., the published rate from Amsterdam to Clearwater, and in addition thereto a charge of fifty cents per one hundred pounds for transportation from Clearwater to Raquette Lake, a distance of about 17.89 miles, which charge of fifty cents per one hundred pounds in addition

to the published rate to Clearwater so charged for transportation to Raquette Lake from Amsterdam was alleged to be unreasonable, unjust, and discriminatory; and the express company having answered said complaint, and hearings having been had at Albany on the 3rd day of June and the 7th day of July, 1909, the complainant appearing in person and American Express Company by *T. B. Harrison, jr.;* now, upon said complaint and answer, and the evidence at the hearings, and after due deliberation, it is

Ordered: 1. That the respondent, American Express Company, on or before September 15, 1909, cease and desist from its present practice of billing traffic shipped between Amsterdam, N. Y., and Raquette Lake, N. Y., to Clearwater and re-billing the same to destination, which practice is found to be unreasonable and unjust, and substitute therefor as to said shipments of said traffic its general practice of billing traffic through from the point of shipment to destination.

Ordered: 2. That the respondent cease and desist from charging its present established combination rate of one dollar and sixty cents per one hundred pounds on merchandise traffic shipped from Amsterdam to Raquette Lake, or from Raquette Lake to Amsterdam, aforesaid, which said rate is found to be unreasonable and unjust, and after September 15, 1909, to charge and collect a rate per one hundred pounds on such traffic not to exceed one dollar and forty-five cents per one hundred pounds, which rate is found by the Commission upon the facts shown in this case to be reasonable and just.

Ordered: 3. That the respondent adjust its general special rate on shipments between Amsterdam and Raquette Lake to the said merchandise rate of not to exceed one dollar and forty-five cents per one hundred pounds, in accordance with scale N of its official express classification.

Ordered: 4. That this order shall remain in force and effect for a period of three years unless the same shall within that period be modified, superseded, or abrogated by order of the Commission.

[Case No. 928]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

PHILLIPS & HYMAN *against* ADAMS EXPRESS COMPANY.

In the matter of the complaint of Phillips & Hyman against Adams Express Company, the complaint alleges that respondent's merchandise rate of seventy-five cents per hundred pounds for the transportation of handkerchiefs in bundles weighing about 150 pounds from points in the borough of Manhattan, New York city, to City Island in the borough of the Bronx, New York city, is unjust and unreasonable, the rate including collection and delivery service as well as transportation. The complaint also covers the return of the handkerchiefs from City Island to complainants' place of business. The handkerchiefs are sent by complainants to City Island for the purpose of being embroidered and after embroidery are returned to complainants, whose place of business is at 48 White street. In transporting the handkerchiefs to City Island the respondent takes them to Bartow on the Harlem River division of The New York, New Haven and Hartford Railroad Company, and from Bartow they are carried a distance of about three miles to City Island, by

delivery under contract performed by respondent at City Island. The express rate to Bartow is fifty cents per hundred pounds, but there are only a few residences near the Bartow station, and that station is really the point on the railroad used for City Island business. The respondent does not take this New York city traffic to City Island direct by the Harlem River division of The New York, New Haven and Hartford Railroad Company, as that would involve a long wagon haul from down-town to 135th street, the terminus of the Harlem River division, and the amount of business to points on that division is not sufficient to warrant the establishment of service and an agency at the 135th Street terminus. What the respondent does is to take its collections of express packages for local delivery in New York city to its own depot on Wooster street where they are assorted, and those destined to points on the New York, New Haven and Hartford railroad are carried to the 48th Street depot of that railroad; from there this City Island traffic is carried on the New York, New Haven and Hartford railroad to New Rochelle, where it is transferred to the Harlem River division and carried back a short distance on that division from New Rochelle to Bartow, and from there delivered by respondent's contract delivery wagon to the consignee in City Island. The cost to respondent for collection and delivery service is large, and is stated in the testimony to constitute about 27 per cent of the gross receipts of the traffic originating at or destined to that point. The traffic here in question is subject to a long wagon haul from White street to Wooster street, and thence to 48th street, and from Bartow to City Island. The railroad transportation haul is short. Respondent's merchandise rate from New York city points to New Haven is sixty cents, including collection and delivery, and its rate from New York to Philadelphia is seventy-five cents. The transportation to Bartow and City Island is not over a route entirely inclosed within the longer distance route to New Haven, and the rule in the statute against a greater charge for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, does not apply, if it be assumed that the conditions governing transportation to City Island and New Haven are similar in other respects. The value of the handkerchiefs is considerable. The bundles shipped by complainant contain six hundred to six hundred and twenty dozen, and the value per dozen is forty cents. Under these facts the application by respondent of the seventy-five cents per hundred pounds rate on handkerchiefs from a point in lower Manhattan to City Island, including collection and delivery service as above described, does not appear to be either unjust or unreasonable, but no opinion is expressed as to the justice or reasonableness of that rate as applied to other traffic classified by respondent as merchandise and carried between the same points with like service; and it is therefore

Ordered: That the complaint in this case be and the same is hereby dismissed.

[Case No. 914]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

JUNE DAIRY COMPANY *against* UNITED STATES EXPRESS COMPANY.

After due deliberation it is

Ordered: That the complaint of June Dairy Company against the United States Express Company, as to charges on shipments of milk and cream

between Conklin and Binghamton, be and hereby is closed on the records of this Commission, complainants having advised that satisfactory settlement has been made.

[Case No. 906]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JAMAICA CITIZENS ASSOCIATION *against* AMERICAN EXPRESS COMPANY as to the closing of office at Jamaica.

Whereas, At the hearing scheduled for New York city on Wednesday, November 10, 1909, in the matter of the complaint of Jamaica Citizens Association against American Express Company as to closing of office at Jamaica, complainant failed to appear and has presented no application for further proceedings,

Ordered: That this complaint be closed on the records of the Commission for want of prosecution.

APPENDIX K

In the Matter of Applications and Complaints, Not Classified, Railroad Corporations.

APPENDIX K

[Case No. 321]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of UTICA TRAFFIC BUREAU *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to freight rates on its Adirondack division.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, Commissioner Hundley having stated that the Bureau desires this action at this time.

[Case No. 649]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

F. E. PARTRIDGE *against* BOSTON AND MAINE RAILROAD.

On reading and filing the complaint and answer herein, together with the communication of Edgar H. Rich, general solicitor of respondent, dated January 2, 1909, and it appearing from the answer of respondent and said communication of its general solicitor that it consents to the entry of an order requiring the reduction of its switching charge on coal, wood, lath, lumber, lime, cement, building materials, and other traffic of complainant between complainant's sidetrack in the village of Mechanicville and the tracks of The Delaware and Hudson Company in said village, in either direction, so long as the order of the Commission in the case of Champlain Brick Company and others against the Boston and Maine Railroad, entered the 2d day of December, 1908, remains in effect; it is

Ordered: That the respondent, Boston and Maine Railroad, be and is hereby directed and required to put in force in the manner provided by law, on or before January 11, 1909, a rate or charge for switching loaded cars in either direction between complainant's sidetrack in the village of Mechanicville and the customary place of delivery upon or at the tracks of The Delaware and Hudson Company in the village of Mechanicville, which shall

not exceed the sum of $2 for each loaded car switched or hauled as aforesaid. It is further

Ordered: That the respondent, Boston and Maine Railroad, may put the rate hereby prescribed in force on one day's notice to the Commission and the public. And it is further

Ordered: That this order shall remain in force and effect for a period of three years from January 11, 1909, unless sooner modified, superseded, or abrogated by order of the Commission upon the application of any party or person interested.

[Case No. 676]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
ALBANY, *January 6, 1909.*

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

Whereas, The reports of broken rails received and tabulated by the Board of Railroad Commissioners, and the accident reports made to this Commission, have shown that the breakage of rails is one of the principal sources of danger in railway operation; and

Whereas, The reports of broken rails made to the Board of Railroad Commissioners indicate the necessity of improvement in the quality of rails recently manufactured;

It is Ordered: That all steam railroad corporations within the jurisdiction of this Commission are hereby required to report on or before March 1, 1909, the following information regarding rails broken in service on their lines in New York state, including the electrically operated portions of such lines: 1, number of rails broken in service on each division of main line and on each branch line during the four months of December, 1907, January, February, and March, 1908, showing in the reports separately for four-track railroads the rails broken in passenger and freight tracks; 2, said reports of broken rails for each division and for each month to be classified as follows, giving the number of rails broken under each head: (*a*) weight per yard; (*b*) year rolled; (*c*) name of maker; (*d*) method of manufacture, whether by the Bessemer or open hearth process.

It is further Ordered: That reports be made covering the following information for rails ordered for New York state lines since July 1, 1907: 1, what changes, if any, have you made in rail specifications and sections since June 1, 1907? Where practicable, forward copy of your rail specifications in force prior to June 1, 1907, and specifications adopted since that date; 2, how many tons of rails for main line use in New York state have been ordered since July 1, 1907? 3, what proportion of rails covered by said orders have been made in accordance with later specifications referred to in paragraph 1? 4, what, if any, further changes in specifications or sections do you expect to make in connection with rail orders for 1909 delivery? 5, have you adopted an electric track circuit or any other precaution to prevent accidents from rail breakages, and if so, state to what extent such precautions are being used on your lines? Is the electric track circuit where used relied upon to reveal broken rails, and have any cases been reported on your lines in which broken rails have been detected by the interruption of the track circuit?

[Case No. 677]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 6, 1909.*

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

Whereas, The accident reports received by this Commission have shown that the breakage of rails is one of the principal sources of danger in railway operation; and

Whereas, This Commission believes that systematic reports of broken rails, and tabulations made from these reports, will be of service, both to the Commission and to the railroad companies in this State, in indicating the extent of such breakage, and the necessity for improvement in quality;

It is Ordered: That all steam railroads within the jurisdiction of this Commission are hereby required to report for each month, commencing with the month of December, 1908, the number of rails broken in service on each division of main line, and on each branch line, said reports to be filed in the office of this Commission not later than the 30th of the following month, and to include the following information: 1, the number of rails broken; 2, the weight per yard; 3, the year the rail was rolled; 4, the year the rail was laid in track; 5, the name of manufacturing company; 6, whether Bessemer or open hearth; 7, was rail much or little worn; 8, was rail removed from track; 9, state kind of break, whether square or angular; broken or split head; cracked or split web; broken base; 10, if break was due to flaw or defect in rail, so state; 11, condition of weather at time of break (wet or dry, warm or cold, freezing or thawing); 12, if accident was caused by break, state circumstances.

[Case No. 597]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of EDWIN JUDD of Cherry Valley, N. Y., *against* THE DELAWARE AND HUDSON COMPANY as to alleged refusal of said company to construct switch to his storehouse at that place.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainant having advised that construction of switch has been completed.

[Case No. 705]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Annual Report of Ithaca-Cortland Traction Company.

After due deliberation it is

Ordered: 1. That the Ithaca-Cortland Traction Company be and it is hereby ordered and required to make specific answer to the following questions concerning its annual report upon which this Commission needs information:

Referring to the item $10,702.97 appearing in line 8, column 7, page 2, of the annual report of said company for the year ended June 30, 1908, the following questions are asked:

1. To whom is such unfunded indebtedness owing, giving the full names and addresses of each and every person and corporation to whom such indebtedness or any part thereof is owing, and if such indebtedness consists of two or more items specifying the amount of such item?
2. When was each item of such indebtedness incurred?
3. What was the exact consideration of each item of such indebtedness?
4. When does each item of such indebtedness mature?
5. What written evidence of such indebtedness, if any, do the creditors hold?
6. Set out a copy of each and every paper, agreement, note, or other obligation evidencing such indebtedness or any part thereof.
7. In case no written evidence of such indebtedness exists a full and detailed statement of all the facts out of which said indebtedness and each part thereof arose.

Ordered: 2. That the answers to said questions shall be verified and filed with this Commission on or before February 5, 1909.

[Case No. 167]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Complaints in relation to the inclosing or vestibuling of the platforms of street railroad cars in the county of Westchester.

Ordered: In the above entitled matter, that upon the petition of J. Addison Young, Receiver of the Tarrytown, White Plains and Mamaroneck Railway Company, filed herein January 26, 1909, for extension of time within which to comply with the order entered herein September 29, 1908, and the affidavit of said receiver filed January 29, 1909, the time of said company and of said receiver to comply with the provisions of said order of September 29, 1908, be and is hereby extended to and until April 1, 1909.

[*See* Case No. 167, page 561.]

[Case No. 526]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of W. L. PRATT of Massena, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to facilities for handling freight at Massena station.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, complainant advising that the present facilities are adequate.

[Case No. 607]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of February, 1909.

Present:
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Physical Condition and Operation of the Rochester and Manitou Railroad.

The Commission having on the 21st day of April, 1908, entered an order in the matter of the physical condition and operation of the Rochester, Charlotte and Manitou railroad, directing and requiring the Rochester, Charlotte and Manitou Railroad Company to immediately commence the work of putting the roadbed, rails, and appliances of that portion of its railroad extending from Charlotte to Braddock's Bay in proper condition for safe operation, and to begin immediately the reconstruction or thorough repair of the trestle upon its line called and known as the Braddock's Bay trestle; and the said Rochester, Charlotte and Manitou railroad having thereafter been sold under foreclosure proceedings, and the said property having come into possession of the Rochester and Manitou Railroad Company, and the Commission having on the 9th day of December, 1908, ordered the said Rochester and Manitou Railroad Company to show cause why the said order of the 21st day of April, 1908, directed to the Rochester, Charlotte and Manitou Railroad Company, should not be made to apply to it, the said Rochester and Manitou Railroad Company; and the matter having come on for hearing before the Commission on the 17th day of December, 1908, at which hearing the said Rochester and Manitou Railroad Company appeared by counsel and agreed that the requirements of said order of the 21st day of April, 1908, as to the reconstruction and repair above described, should be made to apply to it, but requested that the issuance of order should be deferred for a period of two weeks or more, and the said request having been granted; it is now, upon consideration of the facts and circumstances involved,

Ordered: 1. That the Rochester and Manitou Railroad Company be and is hereby directed to put the entire line of its railroad, including the roadbed,

rails, and operating appliances, in proper condition for safe operation, and including reconstruction of the trestle upon its line called and known as the Braddock's Bay trestle; 2. That the said work of repair and reconstruction shall be proceeded with without delay, and shall be completed and the road and operating appliances placed in condition for safe and proper operation and adequate accommodation of the public on or before the 15th day of May, 1909; 3. That the plans for the reconstruction of said trestle be submitted by said Rochester and Manitou Railroad Company for approval by the Commission on or before the 15th day of February, 1909.

[*See* Case No. 607, pages 561 and 568.]

[Case No. 731]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Alleged Proposed Issuance by the Delaware and Eastern Railway Company of bonds and stocks without authority of this Commission.

Whereas, This Commission is informed that the Delaware and Eastern Railway Company is contemplating issuing certain bonds maturing in more than one year and certain stocks without applying to this Commission for authorization to make such issue; and

Whereas, This Commission is not advised by what authority, if any, said company can issue said bonds or stocks without the authorization of this Commission, pursuant to section 55 of the Public Service Commissions Law;

Ordered: That Delaware and Eastern Railway Company, on or before the 15th day of February, 1909, furnish this Commission the following information: to wit, whether it is contemplating any issue of bonds or stocks to any amount without the authorization of this Commission; if it is intending or contemplating such issuance, what amount of bonds and what amount of stocks it intends to issue, on what terms, and for what purpose or purposes, and for what property. And it is further

Ordered: That a hearing upon the general subject matter of the capitalization of the said Delaware and Eastern Railway Company be had at the hearing room of this Commission in the Capitol in the city of Albany on the 15th day of February, 1909, at 2 o'clock in the afternoon, and that the said company be and it is hereby ordered and required to appear at said time and place and produce and file sworn copies of all its books, records, contracts, mortgages, and papers relating to and showing its stocks, bonds, and other evidences of indebtedness, to the end that this Commission may be fully informed as to the general condition and capitalization of said company; all of which information it is ordered and required to give at said time and place.

[Case No. 607]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Physical Condition and Operation of the Rochester and Manitou Railroad.

In the above entitled matter, after due deliberation, it is

Ordered: 1. That the plans for new concrete viaduct and wooden trestle in said railroad over Braddock's Bay, a blue-print of which plans dated January 21, 1909, has been submitted to this Commission, and report dated February 20, 1909, made thereon by the electric railroad inspector, be and they are hereby approved, on condition (*a*) that inside guard-rails be placed and maintained on said viaduct and trestle; (*b*) that the cross-ties on said viaduct and trestle shall be notched for the stringer timbers, and at least every fourth tie shall be driftbolted or spiked to the stringers; (*c*) that no car weighing more than twenty-eight tons loaded shall be operated over said trestle.

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said company, and shall continue in force until modified or abrogated by this Commission.

[*See* Case No. 607, pages 560 and 568.]

[Case No. 167]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Complaints in relation to the inclosing or vestibuling of the platforms of street railroad cars in the county of Westchester.

Upon the petition of J. Addison Young, Receiver of the Tarrytown, White Plains and Mamaroneck Railway Company, and after due deliberation, it is

Ordered: That the time of the Tarrytown, White Plains and Mamaroneck Railway Company and J. Addison Young, receiver thereof, to comply with the order of this Commission of September 29, 1908, in relation to the full vestibuling of passenger cars, be and is hereby extended to July 1, 1909, it appearing to the Commission that the said receiver has purchased twenty-two full vestibuled convertible cars which are to be delivered for use in operation on said railway prior to said date.

[*See* Case No. 167, page 558.]

[Case No. 446]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of BOONVILLE MINERAL SPRING COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

After due deliberation it is

Ordered: That the above entitled complaint be dismissed on account of lack of prosecution.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of a Proceeding by Forest, Fish, and Game Commissioner before this Commission as to the setting of fires from locomotive engines.

Whereas, In the matter of the proceeding of the Forest, Fish, and Game Commissioner, under section 72 of chapter 150 of the laws of 1908 to compel a change of fuel in the Adirondack Forest Preserve, the following matters have been proved to the satisfaction of the Commission: 1, the damage caused by fires occasioned by locomotives is such as to require a completely efficacious remedy; 2, the condition of the lands adjoining the right of way of the railroads through the forest, and the condition of the right of way, are such as to make the fire risk during the daytime exceptionally serious for the months from April 15th to November 1st; 3, that the only completely efficacious remedy for such fire risk is the development of such type of locomotive or the use of such fuel as will prevent the throwing of sparks from the stack and the dropping of coals from the ash-pan; 4, the railroad companies have failed in this proceeding to prove any completely satisfactory method of preventing spark throwing or the dropping of fire from the ash-pan, except the use of oil fuel; 5, the cost of oil fuel is such as to justify an order for its use in the Forest Preserve during the months of fire risk; 6, that there is practically no danger of fires being started by coal burning locomotives during the night, between the hours of 8 p. m. and 8 a. m.; it is

Ordered: 1. That the following railroad companies: The New York Central and Hudson River Railroad Company, operating the Mohawk and Malone railroad, Carthage and Adirondack railroad, and New York and Ottawa railroad; The Delaware and Hudson Company, operating Chateaugay and Lake Placid railroad; and the Cranberry Lake Railroad Company, be and hereby are required, subject to the provisions of the following order

No. 4, to burn oil for steam generation on all locomotives operated by each of said companies within the Forest Preserve in the Adirondack region during the months of each year from April 15th to November 1st, and between the hours from 8 a. m. to 8 p. m.

Ordered: 2. That all locomotives to be used by said companies within the Forest Preserve in the Adirondack region at night, from April 15th to November 1st in each year between the hours of 8 p. m. and 8 a. m., shall be required to burn oil in the generation of steam, except such locomotives as shall have been inspected by this Commission and for which a certificate shall have been issued entitling such locomotive or locomotives to be operated by the burning of coal during said hours, which certificate shall be revocable at the pleasure of the Commission.

Ordered: 3. That any of said companies may apply at any time, on notice to the Forest, Fish, and Game Commissioner, for an order modifying the period during which oil burning locomotives shall be used during the then current year.

Ordered: 4. That the complete installation of oil burning shall be effected not later than April 15, 1910.

Ordered: 5. That at least two locomotives on the Mohawk and Malone railroad and two on the Chateaugay and Lake Placid railroad be fitted up with oil burning apparatus and placed in service not later than July 15th of the present year, and maintained in service until at least November 1st.

Ordered: 6. That no locomotive other than an oil burning locomotive be used by the said companies within the limits of the Forest Preserve at any time subsequent to June 1, 1909, unless it shall have been inspected by this Commission and a certificate revocable at pleasure issued that such locomotive may be used within said Forest Preserve.

Ordered: 7. That this proceeding shall be continued, to the end that the Commission may from time to time take such further action by way of hearings, investigations, or orders as it may deem advisable.

Ordered: 8. That each of the several companies affected by this resolution make report to this Commission weekly to November 1, 1909, of all fires set by locomotives operated by it, giving the number of the locomotive known or believed to have set any such fire.

Ordered: 9. That this order shall take effect on the 15th day of April, 1909, and continue in force until modified or abrogated by this Commission.

Ordered: 10. That each, The New York Central and Hudson River Railroad Company (as operator of the Mohawk and Malone railroad, Carthage and Adirondack railroad, and New York and Ottawa railroad), The Delaware and Hudson Company (as operator of the Chateaugay and Lake Placid railroad), and the Cranberry Lake Railroad Company, notify this Commission before the 15th day of April, 1909, whether the terms of this order are accepted and will be obeyed by it.

[Case No. 600]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the GRAND AVENUE HORSE COMPANY of Rochester, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to demurrage charges.

In the above entitled matter, it appearing from statement of complainant at hearing held in the city of Rochester on January 7, 1909, that the complaint has been satisfactorily adjusted by private negotiations, and its desire to withdraw the complaint,

Ordered: That the case be and is hereby closed on the records of this Commission.

[Case No. 200]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CRAWFORD BROTHERS *against* THE ULSTER AND DELAWARE RAILROAD COMPANY as to freight rates.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission.

[Case No. 622]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DIVISION 148 AMALGAMATED ASSOCIATION OF STREET AND ELECTRIC RAILWAY EMPLOYEES OF ALBANY, N. Y., *against* UNITED TRACTION COMPANY as to vestibules of cars.

Whereas, In the matter of the complaint of Division 148 Amalgamated Association of Street and Electric Railway Employees of Albany against the

United Traction Company, relative to the complete vestibuling of motor cars, the following matters have been proved to the satisfaction of the Commission: 1, that the present arrangement by which the platforms of certain electric cars operating in the cities of Albany and Rensselaer are inclosed on the front and on one side is inadequate to afford proper protection to the motormen; 2, that section 111-a of the Railroad Law, which prescribes that "the front and rear platforms of every car . . . ." shall "be inclosed from the front and at least one side of the platform to the hood," is intended to require a minimum standard of protection, and does not prevent this Commission from prescribing such further protection as may be proved necessary; 3, that the powers of the Commission prescribed by section 50 of the Public Service Commissions Law should be exercised by ordering full vestibules on the cars covered by the complaint in this matter in order to promote the security of the public and employees;

Ordered: That the United Traction Company be and it is hereby directed to completely inclose or vestibule the front and rear platforms of all closed motor passenger cars to be operated by it in the counties of Albany and Rensselaer during the months of December, January, February, and March, and to complete before November 1, 1909, the changes in such cars necessary to enable said company to comply with this order; and that said inclosures or vestibules shall be properly constructed of iron, wood, and glass, with doors therein to allow of entering or leaving the platforms so inclosed or vestibuled. It is further

Ordered: That during said months in the future, the platforms of all closed motor passenger cars operated by said company in said counties shall be found to be so inclosed or vestibuled. It is further

Ordered: That this order shall take effect upon the service of a certified copy thereof on said United Traction Company, and shall continue in force until modified or abrogated by this Commission. It is further

Ordered: That said United Traction Company shall notify this Commission on or before Monday, May 10, 1909, whether the terms of this order are accepted and will be obeyed by it.

[Case No. 754]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of April, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
Martin S. Decker,
James E. Sague,
John B. Olmsted,
Commissioners.

In the Matter of Ogdensburg Roller Mills; Bill, Bell & Company, and George A. Taylor & Company, *against* Rutland Railroad Company and The Delaware and Hudson Company.

This case was heard April 28, 1909. Respondents have had in force for a long period a joint rate of fifteen cents per hundred pounds on carload shipments of flour and feed from Ogdensburg, N. Y., via the Rutland railroad, to Rouses Point, N. Y., and Mooer's Junction, N. Y., and thence via The Delaware and Hudson Company's line to Sciota, Chazy, Plattsburgh, and points south, including Whitehall, all within the State of New York, but on account of the competition in flour and feed shipped to said points on The Delaware and Hudson Company's line south of Plattsburgh from Buffalo via the Erie railroad and the Delaware, Lackawanna and Western railroad

through Binghamton and the Delaware and Hudson Company's railroad to said destinations under a rate of twelve cents per hundred pounds, complainants, millers at Ogdensburg, have been unable under the said joint rate of fifteen cents per hundred pounds to sell and ship flour and feed in any substantial volume to said destinations, and are practically prohibited from selling their products in said territory along The Delaware and Hudson Company's railroad. The rate of the Rutland road from Ogdensburg to Rouses Point is seven cents per hundred pounds. The sum of the local rates of the Rutland railroad and The Delaware and Hudson Company to Sciota, Chazy, Plattsburgh, and a few other points is less than said rate of fifteen cents per hundred pounds. The said rate of twelve cents per hundred pounds from Buffalo to said points on The Delaware and Hudson Company's line is also the rate which applies to a large territory in New England known as "Boston rate territory". The rate on flour and feed from Ogdensburg via the Rutland and the Boston and Maine railroads to "Boston rate territory" is nine cents per hundred pounds, and to points in Vermont as far south as Bellows Falls the rate of the Rutland Railroad Company from Ogdensburg on said commodities is eight cents per hundred pounds. The rate on that road from Ogdensburg to Chatham, N. Y., 340 miles, is nine cents per hundred pounds. The rates on grain from Chicago, Duluth, and other western points are considerably higher to Ogdensburg than to Buffalo, both by rail and water, and a large part of the grain milled at Ogdensburg is bought by the millers in the Buffalo grain market. The distance over the Rutland railroad from Ogdensburg to Rouses Point, where freight is commonly exchanged by that road with The Delaware and Hudson Company, is 118 miles. The distances from Rouses Point to the destinations referred to are as follows: Sciota (from Mooer's Junction) 5 miles, Chazy 8 miles, Plattsburgh 24 miles, Port Kent 31 miles, Westport 63 miles, Port Henry 75 miles, Addison Junction 89 miles, and Whitehall 114 miles. The total distance from Ogdensburg to Whitehall over the Rutland and The Delaware and Hudson Company's roads is 229 miles. The distance from Buffalo to Rouses Point via the Erie to Binghamton and thence over the Delaware and Hudson is 515 miles; the distance from Binghamton to Rouses Point is 305 miles. The distance from Binghamton to Port Kent (which is 77 miles north of Whitehall and 36 miles south of Rouses Point) is 268 miles. The distance from Binghamton to Whitehall is 191 miles. The distances show that the longest haul of the Delaware and Hudson for the Ogdensburg shipments received from the Rutland road would be 114 miles, and the shortest (from Mooer's Junction) about 5 miles; and that on shipments from Buffalo the longest haul of the Delaware and Hudson from Binghamton would be about 296 miles to Sciota, and the shortest haul would be 191 miles to Whitehall. Out of the twelve cent rate from Buffalo via Binghamton the Delaware and Hudson receives substantially 69 per cent for its haul from Binghamton, from 191 to 296 miles, except that on traffic to Whitehall its share or division is less. On the Buffalo traffic destined north of Whitehall, therefore, it receives 8.28 cents per hundred pounds. The present fifteen cent rate on Ogdensburg shipments is divided by the Rutland and the Delaware and Hudson on the basis of 50 per cent to each carrier. All traffic interchanged between the Rutland and the Delaware and Hudson at Rouses Point is upon the basis of 50 per cent of the through charge to each carrier. The share of the Delaware and Hudson in the twelve cent rate on shipments from Buffalo to Boston and other points in New England taking Boston rates is not shown upon the record, but it is, of course, less than the share or division accruing to the Delaware and Hudson on traffic destined to these points on its lines in Northern New York. The respondent, Rutland Railroad Company, offers to join The Delaware and Hudson Company in reduced joint rates for flour and feed from Ogdensburg to the destination points named on the Delaware and Hudson, of eight cents to points south of Rouses Point to and including Port Henry, and ten cents south of Port Henry to and including Whitehall. Upon the established basis of divisions between the two companies this would give the Delaware and Hudson four cents per hundred pounds for a minimum haul of 5 miles to Sciota and a maximum haul of 75

miles to Port Henry, and five cents for a minimum haul of 81 miles to Crown Point (just north of Addison Junction) and a maximum haul of 114 miles to Whitehall. The respondents' joint rate of fifteen cents per hundred pounds from Ogdensburg to Delaware and Hudson points stated prohibits the movement of flour and feed from Ogdensburg, and in view of the rate of twelve cents per hundred pounds in force on flour and other grain products from Buffalo via Binghamton to such destination points on the Delaware and Hudson, and the application of that rate to all points in New England embraced in "Boston rate territory," such rate of fifteen cents per hundred pounds from Ogdensburg to such destinations on The Delaware and Hudson Company's line is unjust and unreasonable, and in the opinion of the Commission the rate on flour and feed from Ogdensburg via the Rutland railroad to points on The Delaware and Hudson Company's railroad south of Rouses Point to and including Whitehall should not exceed ten cents per hundred pounds. Upon consideration of all the facts and circumstances in this case,

It is Ordered: That the respondents, Rutland Railroad Company and The Delaware and Hudson Company, be and are hereby directed and required to cease and desist, on or before the 15th day of May, 1909, from charging and collecting a joint rate of fifteen cents per hundred pounds for the transportation of flour and feed in carloads from Ogdensburg, N. Y., to points on The Delaware and Hudson Company's railroad south of Rouses Point, N. Y., to and including Whitehall, N. Y., and to put in force and effect on or before said 15th day of May, 1909, joint rates for such transportation which shall not exceed as a maximum eight cents per hundred pounds from Ogdensburg to points south of Rouses Point to and including Port Henry, and ten cents per hundred pounds from Ogdensburg to points south of Port Henry to and including Whitehall.

It is further Ordered: That the said reduced joint rates may be established by respondents upon one day's notice to the public and the Commission.

It is further Ordered: That this order shall remain in force for a period of three years unless the same shall be modified, superseded, or abrogated within that period by the Commission.

[Case No. 490]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of M. C. FUHRMAN of Rochester *against* ERIE RAILROAD COMPANY as to trains not carrying baggage.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, complainant advising that his cause of complaint has been removed.

[Case No. 518]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of HERMAN J. WESTWOOD of Fredonia *against* BUFFALO AND LAKE ERIE TRACTION COMPANY as to alleged smoke nuisance from power plant in Fredonia.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, complainant advising that the cause for complaint has been reasonably removed.

[Case No. 814]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

ALBERT DODGE *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

After due deliberation it is

Ordered: That the complaint of Albert Dodge of Buffalo, as to switching charges of The New York Central and Hudson River Railroad Company on carloads of building blocks at that city, be and hereby is closed on the records of this Commission, complainant advising that the matter has been disposed of to his satisfaction.

[Case No. 607]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
Commissioners.

In the Matter of the Physical Condition and Operation of the Rochester and Manitou Railroad.

After due deliberation it is

Ordered: 1. That the petition of the Rochester and Manitou Railroad Company, by Kendall B. Castle, its treasurer, for extension of time until

June 30, 1909, for completion of reconstruction of the trestle of said company across Braddock's Bay, be and the same is hereby granted.

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said company, and shall continue in force until modified or abrogated by this Commission.

[*See* Case No. 607, pages 560 and 561.]

[Case No. 631]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the GENEVA, WATERLOO, SENECA FALLS AND CAYUGA LAKE TRACTION COMPANY for approval of its petition to the Supreme Court for leave to change its name to Geneva and Auburn Railway Company.

To the Supreme Court: The petition dated December 3, 1908, by the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company, for leave to change its name and to assume the corporate name Geneva and Auburn Railway Company, a verified copy of which petition is hereto annexed, is hereby approved by the Public Service Commission, Second District; and the *Waterloo Observer* newspaper published at Waterloo in the county of Seneca, said county being the county where said corporation has a business office, is designated as the newspaper (in addition to the state paper) in which notice of the annexed application for a change of name of said corporation shall be published once a week for three successive weeks, in accordance with the provisions of section 62 of the General Corporation Law, chapter 28, laws of 1909.

[Case No. 730]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of F. T. MANNING *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY as to loss on commutation ticket.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, satisfactory adjustment having been made at hearing in New York city, May 25, 1909.

[Case No. 824]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of WILLIS H. CHASE *against* J. ADDISON YOUNG, AS RECEIVER OF THE WESTCHESTER ELECTRIC RAILROAD COMPANY, as to dangerous condition of tracks on North Columbus avenue in Mt. Vernon.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, satisfactory repairs having been made to property in question.

[Case No. 890]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DILLAPLAINE H. WRIGHT of Webster, N. Y., as to the rates of the Rome, Watertown and Ogdensburg railroad (New York Central and Hudson River Railroad Company, lessee) on shipments of dried apples from Webster to various points.

After due deliberation it is

Ordered: That the above entitled matter be and hereby is closed on the records of this Commission, complainant advising that offer of respondent to pay overcharge of $153.30 satisfactorily disposes of his complaint.

[Case No. 663]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of MOSELEY & MOTLEY MILLING COMPANY ET AL. of Rochester, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, ERIE RAILROAD COMPANY, BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, and LEHIGH VALLEY RAILROAD COMPANY.

This case having been duly heard upon complaint and answer filed, and the matters and things involved herein having been duly investigated and considered, and it appearing to the Commission that the action of the respondents in discontinuing on January 1, 1909, and refusing since that date to restore a long continued practice of having tallymen employed by them at Rochester, N. Y., to check carload package freight in and out of cars on station team tracks, assist in the loading and unloading of such freight into and out of cars on such team tracks when such freight was shipped and carried wholly over lines within this State, was and is unjust and unreasonable, and that the prior existing practice of respondents of having such tallymen assist in the loading and unloading of such freight on such team tracks should be restored;

It is Ordered: 1. That the respondents, The New York Central and Hudson River Railroad Company, Erie Railroad Company, Buffalo, Rochester and Pittsburgh Railway Company, The Pennsylvania Railroad Company, and Lehigh Valley Railroad Company, be and they severally are hereby directed and required to restore in the city of Rochester, State of New York, their practice existing and followed prior to January 1, 1909, of having tallymen employed by them respectively to check carload package freight in and out of cars on station team tracks in said city, assist in the loading and unloading of such freight whenever the transportation of such freight so loaded is to be, or the transportation of such freight so unloaded has been, wholly within this State.

2. That the said respondents be and hereby are severally directed and required to file and publish in conformity with the rules of this Commission the proper tariff, supplement, or amendment of the freight classification, restoring the said practice in the city of Rochester and making the same effective on or before June 20, 1909, provided that respondents may at their option put in force, severally or jointly, an amendment having like effect applying at all stations on their lines where tallymen are employed to check carload package freight in and out of cars on station team tracks.

3. This order shall remain in force for a period of three years from June 20, 1909, unless the same shall be modified, superseded, or abrogated by order of the Commission.

[Case No. 666]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JOHN A. MANNING PAPER COMPANY ET AL. of Troy, N. Y., *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE DELAWARE AND HUDSON COMPANY, and BOSTON AND MAINE RAILROAD.

This case having been duly heard upon complaint and answer filed, and the matters and things involved herein having been duly investigated and considered, and it appearing to the Commission that the action of the respondents in discontinuing on January 1, 1909, and refusing since that date to restore a long continued practice of having tallymen employed by them at Troy, N. Y., to check carload package freight in and out of cars on station team tracks, assist in the loading and unloading of such freight into and out of cars on such team tracks when such freight was shipped and carried wholly over lines within this State, was and is unjust and unreasonable, and that the prior existing practice of respondents of having such tallymen assist in the loading and unloading of such freight on such team tracks should be restored;

It is Ordered: 1. That the respondents, The New York Central and Hudson River Railroad Company, The Delaware and Hudson Company, and Boston and Maine Railroad, be and they severally are hereby directed and required to restore in the city of Troy, State of New York, their practice existing and followed prior to January 1, 1909, of having tallymen employed by them respectively to check carload package freight in and out of cars on station team tracks in said city, assist in the loading and unloading of such freight whenever the transportation of such freight so loaded is to be, or the transportation of such freight so unloaded has been, wholly within this State.

2. That the said respondents be and are hereby severally directed and required to file and publish in conformity with the rules of this Commission the proper tariff, supplement, or amendment of the freight classification, restoring the said practice in the city of Troy and making the same effective on or before June 20, 1909, provided that respondents may at their option put in force, severally or jointly, an amendment having like effect applying at all stations on their lines where tallymen are employed to check carload package freight in and out of cars on station team tracks.

3. This order shall remain in force for a period of three years from June 20, 1909, unless the same shall be modified, superseded, or abrogated by order of the Commission.

[Cases Nos. 794, 809]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of NELSON HARPER AS SECRETARY OF THE WESTERN NEW YORK MILK PRODUCERS' ASSOCIATION, as to the freight rate charged on milk, cream, etc., by The Delaware, Lackawanna and Western Railroad Company; The New York Central and Hudson River Railroad Company; West Shore Railroad Company; Pennsylvania Railroad Company; Buffalo, Rochester and Pittsburgh Railway Company; Erie Railroad Company; Buffalo and Susquehanna Railway Company, and the Rome, Watertown and Ogdensburg Railroad Company. And

In the Matter of the Complaint of FRANK K. VINE, CHAIRMAN OF THE ASSOCIATION OF MILK DEALERS OF THE CITY OF BUFFALO, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY; WEST SHORE RAILROAD COMPANY; PENNSYLVANIA RAILROAD COMPANY; BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY; ERIE RAILROAD COMPANY, and BUFFALO AND SUSQUEHANNA RAILWAY COMPANY, as to freight rates on milk, cream, and pot-cheese to Buffalo.

Ordered: That these cases be and are hereby reopened and set down for further hearing before the Commission at the Capitol, Albany, on June 28, 1909, at 2 o'clock p. m., for the submission of additional proof by respondents respecting their claim of increased cost of operation in the transportation of milk from shipping points to the city of Buffalo, such proof to show in detail so far as may be practicable: 1, the cost of actual operation in carrying the traffic in question so far as the same can be shown; 2, to what extent respondents are subjected to increased cost of operation in such transportation by reason of increase in the price of labor, supplies, equipment, and additional facilities required; 3, to what extent such cost of operation is increased by the carriage of milk at the present time over greater distances than were formerly required; 4, a comparison for each of the respondent lines of the total volume of this milk traffic and the amount carried from each shipping station, specifying the amount in gallons, during each of the years 1902 to 1909 inclusive, commencing with June 30 in each year and ending with May 1 for the year 1909, including also in such statement the distance from each shipping station to Buffalo.

[Case No. 700]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of LITTLE VALLEY BOARD OF TRADE *against* WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY and BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY as to establishment of through rates and joint rates.

After due deliberation it is

Ordered: That this complaint be and hereby is closed on the records of this Commission, in accordance with understanding of Commission at hearing scheduled at Buffalo, June 11, 1909.

[Case No. 896]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of JOHN J. ROBINSON of Fort Edward, N. Y., as to need of sidetrack and switch connections by The Delaware and Hudson Company at South Glens Falls.

After due deliberation it is

Ordered: That this complaint be and it is hereby closed on the records of this Commission, complainant having advised that through purchase of another plant the facilities requested will not be needed.

[Case No. 967]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 17th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the CRANBERRY LAKE RAILROAD COMPANY to be relieved from making engine failure reports.

After due deliberation it is

Ordered: That the application of the Cranberry Lake Railroad Company to be relieved from making engine failure reports, Form No. 70, is hereby granted, said application having been approved by the supervisor of equipment of this Commission, who reports that only one locomotive is operated and that no failures have been reported during the last twelve months.

[Case No. 743]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PORTER & TRAPHAGEN *against* LEHIGH VALLEY RAILROAD COMPANY as to the furnishing of grain doors.

After due deliberation it is

Ordered: That this complaint be and hereby is closed on the records of the Commission, the relief asked for being granted by the respondent company, tariff P. S. C., 2 N. Y., N. O. D., 1273, issued under date of June 17, 1909, providing for grain doors or an allowance therefor on all grain in bulk at all stations on the Lehigh Valley railroad.

[Case No. 720]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of C. P. LAWSON of Brocton, N. Y., as to rates of The Pennsylvania Railroad Company, The Lake Shore and Michigan Southern Railway Company, and the New York, Chicago and St. Louis Railroad Company, on shipments of grapes.

After due deliberation it is

Ordered: That the above entitled complaint be and hereby is closed on the records of this Commission, satisfactory rates having been published by companies involved.

[Case No. 929]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of RESIDENTS OF THE VILLAGE OF NEWARK owning property on Siegrist street in said village *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, lessee of the West Shore railroad, as to annoyance alleged to be caused by smoke from the smokestack at the pumping station of the West Shore railroad at Newark.

After due deliberation it is

Ordered: That the above entitled complaint be and hereby is closed on the records of this Commission, complainants advising that the burning of hard coal satisfactorily disposes of the complaint.

[Case No. 845]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of MURRAY'S LINE *against* THE DELAWARE AND HUDSON COMPANY.

Whereas, In the matter of the complaint of Murray's Line against The Delaware and Hudson Company, it appears to the Commission: (1) that it has no power under section 49 of the Public Service Commissions Law to order the respondent to establish through routes and joint rates with the complainant, for the reason that complainant is not a common carrier within the supervision and jurisdiction of the Commission and therefore not such common carrier as is mentioned in said section 49; (2) that section 47 of the Railroad Law is not applicable to the facts set forth in the complaint in said matter; and (3) that the facts set forth in said complaint do not necessarily establish that respondent has exercised unjust discrimination against complainant as defined in section 31 of the Public Service Commissions Law or unreasonable preference in favor of The New York Central and Hudson River Railroad Company as against complainant; therefore it is

Ordered: That the said complaint be and it is hereby dismissed.

[Case No. 1008]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Annual Report for year ended December 31, 1908, of the Peekskill Lighting and Railroad Company.

Whereas, The Peekskill Lighting and Railroad Company has failed in its annual report for the year ended December 31, 1908, to report the salary paid to each officer of the company for said year, as required by paragraph 5 of subdivision 6 of section 66 of the Public Service Commissions Law, although its attention has been repeatedly called to such omission;

Ordered: That said company be and is hereby directed and required to furnish such information at once, under oath.

[*See* case second following.]

[Case No. 146]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of ELVIN N. EDWARDS *against* NEW YORK AND LONG ISLAND TRACTION COMPANY.

After due deliberation it is

Ordered: That the complaint of Elvin N. Edwards against the New York and Long Island Traction Company, Case No. 146, petitioning that certain portions of said company's line be double tracked, is hereby closed on the records of this Commission, the report of the electric railroad inspector of the Commission having shown that said traction company has made improvements by changing curves and by clearing its right of way so that safety under present conditions is reasonably provided for without the necessity of double tracking; and it is further

Ordered: That the electric railroad inspector of this Commission is hereby instructed to give special attention on the annual inspection and at such other times as may be practicable to the conditions of operation of said line of the New York and Long Island Traction Company, with a view to recommending any extension of double tracking which future conditions may render necessary.

[Case No. 1008]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Annual Report for year ended December 31, 1908, of the Peekskill Lighting and Railroad Company.

In the matter of the annual report of the Peekskill Lighting and Railroad Company for the year ended December 31, 1908, in which the Commission made an order on July 12th requiring the company to report the salary paid to each officer of the company,

Ordered: That the case be and is hereby closed, information required by the order having been furnished.

[*See* case second preceding.]

[Case No. 1044]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
John B. Olmsted,
Commissioners.

In the Matter of plans for the rearrangement of signals for the protection of the drawbridge at Peekskill on the New York Central and Hudson River Railroad.

After due deliberation it is

Ordered: That the plans for the rearrangement of the signals for the protection of the drawbridge at Peekskill on the Hudson division of the New York Central and Hudson River railroad, submitted for approval by W. H. Elliott, signal engineer of The New York Central and Hudson River Railroad Company, under date of July 12, 1909, be and the same are hereby approved.

[Case No. 1043]

State of New York,
Public Service Commission, Second District.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
Frank W. Stevens, Chairman,
Thomas M. Osborne,
John B. Olmsted,
Commissioners.

In the Matter of the omission of derails at the Cayuga lift-bridge on the New York Central and Hudson River railroad.

After due deliberation it is

Ordered: That the omission of derails as a part of the protection at the Cayuga lift-bridge located over the Seneca River canal on the Auburn branch of the Rochester division of the New York Central and Hudson River railroad, be and hereby is approved, Steam Railroad Inspector Shultz having recommended such omission under date of August 2nd, as affording greater safety than the use of derails.

[Case No. 148]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of FREEPORT BOARD OF TRADE *against* NEW YORK AND LONG ISLAND TRACTION COMPANY as to the necessity for constructing double tracks.

After due deliberation it is

Ordered: That this complaint be closed on the records of the Commission, the matter involved in this complaint having been disposed of by the Commission in its resolution of July 14th, in the matter of the complaint of Elvin N. Edwards against the New York and Long Island Traction Company.

[Case No. 1062]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

SYRACUSE TRAFFIC BUREAU *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to each The New York Central and Hudson River Railroad Company and The Delaware, Lackawanna and Western Railroad Company, and that the matters complained of be satisfied by each of said railroad companies, or that the charges in said complaint be answered in writing by each of said railroad companies within twenty days from the service upon each of said railroad companies of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of each said railroad companies shall be filed with the Secretary of this Commission at Albany, and a copy of each of said answers shall be served by each of said railroad companies, either personally or by mail, upon Frank Barry, secretary of complainant, at his postoffice address, Syracuse, N. Y.; that proof of such service shall be filed with the Secretary of this Commission by each of said railroad companies, and complainant's secretary shall notify the Secretary of this Commission of receipt of a copy of each of said answers.

[Case No. 1068]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of HAROLD E. WOODWARD, DAY K. CHAMBERLAIN, LEWIS HICKS, EDWIN T. CASLOR, FLOYD LOVELAND, EDWARD L. HOWLAND, et al., *against* THE NEW YORK, AUBURN AND LANSING RAILROAD COMPANY.

The above mentioned complaint having been received and filed,

Ordered: 1. That a copy of the same be forwarded to said The New York, Auburn and Lansing Railroad Company, and that the matters complained of be satisfied by said company, or that the charges in said complaint be answered in writing withing ten days from the service upon said company of a certified copy of this order and a copy of the complaint.

Ordered: 2. That if the complaint be not thus satisfied, the original answer of said company shall be filed with the Secretary of this Commission at Albany and a copy of said answer shall be served by said company, either personally or by mail, upon Benjamin Kenyon, attorney for complainants, at his postoffice address, Rooms 111–112, Metcalf Building, Genesee street, Auburn, N. Y.; that proof of such service shall be filed with the Secretary of this Commission, and attorney for complainants shall notify the Secretary of receipt of a copy of said answer.

[*See* Case No. 1068, page 585.]

[Case No. 685]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of ROCKEFELLER BROTHERS of Albany, N. Y., *against* GREENWICH AND JOHNSONVILLE RAILWAY COMPANY as to alleged unreasonable freight rate on shipments of crushed stone.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, attorney for complainants having withdrawn same at hearing held at Albany, August 23, 1909.

[Case No. 1053]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of SOUTH LIMA GROWERS AND SHIPPERS ASSOCIATION *against* ERIE RAILROAD COMPANY as to loading facilities.

After due deliberation it is

Ordered: That the matter of this complaint be closed on the records of this Commission, with the understanding that it may be renewed at any future date if conditions do not continue satisfactory.

[Case No. 842]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of PATRICK CLEARY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, relative to construction of a switch at Albion.

After due deliberation it is

Ordered: That the complaint of Patrick Cleary against The New York Central and Hudson River Railroad Company, relative to the construction of a switch at Albion, be and hereby is closed on the records of this Commission, attorney for complainant having advised that the present service is satisfactory.

[Case No. 747]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of DUNNING & STEVENS (incorporated) of Buffalo *against* ERIE RAILROAD COMPANY.

Ordered: That the complaint of Dunning & Stevens (incorporated) of Buffalo, as to freight rates of the Erie Railroad Company, be and hereby is

closed on the records of this Commission, upon the understanding reached at the hearing that complainants may file a new complaint setting forth their actual grievance and against the various carriers engaged in the traffic involved.

[Case No. 846]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of EDWARD S. AGOR *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Ordered: That the above entitled matter be and hereby is closed upon the records of this Commission, the complaint having been withdrawn by complainant's attorney at the hearing held in New York city on September 9, 1909, with a view of filing new complaint containing proper allegations.

[Case No. 893]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of GOTTFRIED F. WOEHR *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Gottfried F. Woehr having on May 6, 1909, filed with this Commission a complaint against The New York Central and Hudson River Railroad Company, alleging that he is the owner and occupant of the dwelling house and premises at 94 Greenkill avenue in the city of Kingston, and among other things that access to said premises is obstructed because of track of the Wallkill Valley railroad, leased to and operated by The New York Central and Hudson River Railroad Company, and an open ditch maintained by said company in said avenue abutting complainant's premises; and a copy of the complaint having been sent to the company and its answer received; and a public hearing in the matter having been held by this Commission in the city of Albany on September 20, 1909, *C. Irwin* appearing for complainant, and *Amos VanEtten* appearing for said company; now upon the aforesaid complaint, answer, and statements at the hearing, and after due deliberation, it is

Ordered: 1. That whenever complainant takes down the fence along 25 feet of line of Greenkill avenue and South Sterling street and erects a blacksmith shop on the back part of his 50 foot lot abutting on Greenkill

avenue, and makes the blacksmith shop accessible through what is termed on the map South Sterling street, then The New York Central and Hudson River Railroad Company is hereby directed to plank its track in Greenkill avenue opposite the 25 foot strip of South Sterling street next complainant's lands for a distance of 16 feet, and lay a pipe in the drainage ditch next the track and cover it so as to make a safe and convenient driveway over said track and ditch.

Ordered: 2. That this order shall take effect upon the service of a certified copy thereof upon said New York Central and Hudson River Railroad Company, and upon said complainant, and shall continue in force until modified or abrogated by this Commission.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of THE DELAWARE AND HUDSON COMPANY as to exemption of the narrow gauge switching locomotives used at Lyon Mountain and Standish from the provisions of an order of this Commission dated April 1, 1909.

Whereas, The Delaware and Hudson Company has requested the exemption of the narrow gauge switching locomotives used at Lyon Mountain and Standish from the provisions of the order of this Commission dated April 1, 1909, relative to the use of oil burning on locomotives operated within the Forest Preserve on and after April 15, 1910; and

Whereas, It appears from a report dated September 21, 1909, by Supervisor of Equipment A. Buchanan, jr., that said narrow gauge locomotives can be safely operated by coal burning; and

Whereas, In an interview on October 6, 1909, between Commissioner Sague, Supervisor of Equipment A. Buchanan, jr., and Forest, Fish, and Game Commissioner Whipple, it was stated by Commissioner Whipple that no objection would be raised by him to the proposed exemption; it is

Ordered: That The Delaware and Hudson Company be and is hereby permitted to continue the use of coal burning on the narrow gauge switching locomotives used by said company at Lyon Mountain and Standish on and after April 15, 1910, and until the further order of this Commission.

[Case No. 1297]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of signals for protection of drawbridge at New Hamburgh, on the New York Central and Hudson River railroad.

After due deliberation it is

Ordered: That the proposed rearrangement of signals for the protection of the drawbridge at New Hamburgh, on the Hudson division of the New York Central and Hudson River railroad, as outlined in Drawing No. 762 of Signal Engineer W. H. Elliott, be and hereby is approved, said plan having been indorsed as entirely satisfactory by Inspectors Sutermeister and Shultz of this Commission.

[Case No. 1068]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of H. E. WOODWARD AND OTHERS as to failure of The New York, Auburn and Lansing Railroad Company to install a switch at Auburn.

After due deliberation it is

Ordered: That the complaint of H. E. Woodward and others, as to failure of The New York, Auburn and Lansing Railroad Company to install a switch at Auburn, be and hereby is closed on the records of this Commission, attorney for complainants advising that the matter has been satisfactorily adjusted.

[*See* Case No. 1068, page 581.]

[Case No. 59]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the NEW YORK STATE SHIPPERS' PROTECTIVE ASSOCIATION, INCORPORATED, *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, ERIE RAILROAD COMPANY, BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, LEHIGH VALLEY RAILROAD COMPANY, and PENNSYLVANIA RAILROAD COMPANY.

This case having been duly submitted upon complaint, answers, and hearing of the parties, and the matters and things involved herein having been duly investigated, and due consideration thereof having been had, it is

Ordered: 1. That so much of the complaint in this proceeding as alleges the duty of the respondents to provide linings for refrigerator or produce cars used for the shipment of potatoes and other produce in bulk from about November 1st and during the period of cold weather in such year be and is hereby dismissed.

Ordered: 2. That the respondents, The New York Central and Hudson River Railroad Company, The Delaware, Lackawanna and Western Railroad Company, Erie Railroad Company, Buffalo, Rochester and Pittsburgh Railway Company, Lehigh Valley Railroad Company, and Pennsylvania Railroad Company, be and they severally are hereby directed and required at all times on reasonable notice, to furnish to shippers of potatoes, apples, and similar produce in bulk, cars so equipped with inside or grain doors, bulkheads, or other proper device that loading and unloading of the freight so shipped may be accomplished with reasonable facility.

Ordered: 3. That if any of the said respondents, instead of furnishing cars so equipped with inside or grain doors, bulkheads, or other proper device whereby loading and unloading of potatoes, apples, cabbage, or similar bulk freight may be accomplished with reasonable facility shall, for reasons of convenience and economy, require that such inside or grain doors, bulkheads, or other proper device be supplied by shippers under a stated allowance in money therefor, not less than the full average cost thereof, the said respondent or respondents so doing and requiring shall provide for such money allowance in its schedules of rules or regulations; provided that such provision in said schedules of rules or regulations shall leave to shippers of such bulk freight the option to supply under and for such money allowance either the bulkheads or the inside or grain doors.

Ordered: 4. That this order shall become effective on the 25th day of November, 1909, and shall remain in force for a period of three years thereafter unless the same shall be modified, superseded, or abrogated by the Commission; and the said respondents are hereby granted permission to make necessary changes in their said schedules on one day's notice thereof to the public and the Commission.

[Case No. 569]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CHARLES BOVEE of Lagrangeville, Dutchess county, *against* CENTRAL NEW ENGLAND RAILWAY COMPANY, as to alleged excessive freight rate on shipment of cattle.

Whereas, At the hearing appointed on the complaint of Charles Bovee, as to alleged excessive rates of the Central New England Railway for shipments of cattle, which was set down for Poughkeepsie, November 1, 1909, complainant failed to appear or present any excuse for non-appearance at that time; therefore it is

Ordered: That the complaint be and hereby is dismissed for lack of prosecution.

[Case No. 864]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of EASTCHESTER CIVIC LEAGUE *against* RECEIVER OF NEW YORK CITY RAILWAY COMPANY, alleging defective and dangerous condition of the trolley poles and wires of the New York City Railway Company.

After due deliberation it is

Ordered: That the matter of said complaint be and hereby is closed on the records of this Commission, it appearing in the communication from B. K. Marvin of the Eastchester Civic League dated November 23, 1909, that the improvements have been made and are such as to satisfy the complainants.

[Case No. 1002]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RYAN ELEVATING AND FORWARDING COMPANY of Buffalo *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY.

Whereas, In the Matter of the complaint of the Ryan Elevating and Forwarding Company against The New York Central and Hudson River Railroad Company the relief demanded is that the respondent shall make and publish a freight tariff to the Bennett elevator operated by complainant, to the end that respondent shall be required to supply said Bennett elevator with cars for the carriage of grain at its so called at and east rate shown on its tariff schedule No. A-12819 filed with this Commission and numbered P. S. C., 2 N. Y., 5363; and

Whereas, Upon the hearing it appeared as undisputed fact that the said Bennett elevator is not situate upon the line of respondent or any of its tracks or switches, but is situate upon or adjacent to the tracks of the Delaware, Lackawanna and Western railroad and has switch connection therewith; and

Whereas, No proof was given upon the hearing that the respondent was not supplying terminal and elevator facilities sufficient to take care of and accommodate all the ex-lake grain traffic offered it in Buffalo; and

Whereas, It does not appear that any duty devolves upon the respondent to employ the said Bennett elevator in its business as common carrier;

Ordered: That the said complaint be and it is hereby dismissed, without prejudice.

[Case No. 1246]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THOMAS C. SHEEHAN and THOMAS LEONARD, trading as the INDEPENDENT COAL COMPANY AND DECORATIVE COMPANY, *against* THE DELAWARE AND HUDSON COMPANY as to failure to install a sidetrack and switch connection.

After due deliberation it is

Ordered: That this matter be closed on the records of this Commission, it appearing by letter of complainant's attorneys that The Delaware and Hudson Company has constructed the switch connection.

[Case No. 704]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of RAY W. LOWE *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY.

After due deliberation it is

Ordered: That the complaint of Ray W. Lowe of Norwich, N. Y., against The Delaware, Lackawanna and Western Railroad Company, as to hours of telegraph operators employed by said company at Norwich, be and is hereby closed on the records of this Commission, complainant having been referred to the Commissioner of Labor, who advises this Commission that he is investigating complaints of this character.

[Case No. 913]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of GEORGE KARL and EDWARD ESPENLAUB *against* the UNITED TRACTION COMPANY as to extension of its car line from the city of Albany to the unincorporated village of West Albany.

This case being at issue upon complaint and answer, and the matter having been duly heard, it is

Ordered: That the complaint be and it is hereby dismissed, for the reasons stated in memorandum by Chairman Stevens.

[Case No. 1007]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

R. B. ROCK *against* THE DELAWARE AND HUDSON COMPANY.

This case being at issue upon complaint and answer, and the matter having been duly heard, it is

Ordered: That the complaint be and hereby is dismissed.

[Case No. 1374]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the motive power in use upon the Buffalo Creek Railroad.

Whereas, The supervisor of equipment to this Commission, by written report dated November 23, 1909, has reported that the motive power in use upon the Buffalo Creek railroad is inadequate, and that the facilities upon and in connection with said railroad are inadequate for making necessary running repairs; and

Whereas, The substance of said written report was on the 20th day of November, 1909, communicated by letter to the president of the Erie Railroad Company and the president of the Lehigh Valley Railroad Company, said railroad companies being the lessees of and operating the said Buffalo Creek railroad, and to the general agent in charge of said Buffalo Creek railroad; and

Whereas, The reports of the traffic inspector of this Commission stationed in Buffalo indicate that no improvements in the motive power of said railroad have been made since the attention of said lessees was called to the matter as aforesaid, and that necessity exists therefor;

Ordered: That the Erie Railroad Company and the Lehigh Valley Railroad Company, lessees of said Buffalo Creek railroad, be and they hereby are directed and required to show cause before this Commission, at its office 1216 Chamber of Commerce Building, Buffalo, N. Y., on Friday, December 10, 1909, at 10 o'clock in the forenoon, why they should not be ordered and required to increase and improve the motive power in use upon said Buffalo Creek railroad by adding thereto at least two locomotives and by increasing the facilities for making repairs of locomotives in use thereon.

[Case No. 1376]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of EGLER & SONS BAKING COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to placing of cars of freight for complainant delivered at Mt. Vernon.

After due deliberation it is

Ordered: That the complaint of Egler & Sons Baking Company against The New York Central and Hudson River Railroad Company as to placing of cars of freight for complainant delivered at Mount Vernon, be and is hereby closed, it appearing by letter dated December 9, 1909, addressed to this Commission, that the matters set forth in the complaint have been remedied to the satisfaction of the complainant.

[Case No. 1285]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of ROYAL-GEM MILLS COMPANY *against* THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to freight rates on cotton yarn and knit goods between Herkimer and St. Johnsville.

Whereas, Application has been made to this Commission by The New York Central and Hudson River Railroad Company to establish a commodity rate of 7 cents per one hundred pounds on cotton yarn in bales or cases, in less than carloads, and rate of 9 cents per one hundred pounds on knit goods in cases, in less than carloads, between Herkimer and St. Johnsville, N. Y., in both directions; and application having been granted by this Commission by order No. 1342 dated December 20, 1909; and

Whereas, A letter from Hon. Joseph L. Moore, attorney for the complainants in the matter of the complaint of Royal-Gem Mills Company against The New York Central and Hudson River Railroad Company dated December 20, 1909, states that the Royal-Gem Mills Company has made satisfactory arrangements with The New York Central and Hudson River Railroad Company concerning the matter of freight rates between Herkimer and St. Johnsville, both ways;

Ordered: That the matter of said complaint be and the same hereby is closed upon the records of this Commission.

[Case No. 91]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of FRANK N. HALL, General Chairman of the Erie Telegraphers Committee, *against* ERIE RAILROAD COMPANY, as to violation of chapter 627 of the laws of 1907 as to hours of labor of telegraphers, etc.

Whereas, In the matter of the complaint of Frank N. Hall, general chairman of the Erie Telegraphers Committee, against Erie Railroad Company, as to violation of chapter 627 of the laws of 1907 as to hours of labor of telegraphers, etc., a suit was instituted in the Supreme Court against the Erie Railroad Company for a violation of the said law; and

Whereas, This Commission has been advised by the Attorney General of the State that the said suit was decided adversely to the relator by the Appellate Division of the Supreme Court; it is

Ordered: That the above entitled matter be and the same is hereby closed upon the records of this Commission.

APPENDIX L

In the Matter of Construction and Exercise of Franchise by Electrical Corporations and Gas Corporations.

APPENDIX L

[Case No. 584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the BABYLON ELECTRIC LIGHT COMPANY under section 68 of the Public Service Commissions Law.

The Babylon Electric Light Company having on November 19, 1908, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate suitable wires or other conductors, with the necessary poles, pipes, or other fixtures, for the transmission and furnishing to the public electricity for light and power in the village of Farmingdale, Nassau county, including county roads in said village, and on county roads in Nassau county outside of the village of Farmingdale, and for approval of the exercise of rights and privileges therefor under franchises granted to said company by the president and trustees of said village and by the board of supervisors of Nassau county; and a public hearing on said petition, after due notice, having been held by Chairman Stevens of this Commission in the city of Albany on January 5, 1909, *Leo Fishel* appearing for the petitioner and no one else appearing; now, upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Babylon Electric Light Company of suitable wires or other conductors, with the necessary poles, pipes, or other fixtures, for the transmission and furnishing to the public electricity for light and power in the village of Farmingdale, Nassau county, including county roads in said village, and on county roads in Nassau county outside of the village of Farmingdale described in the franchises hereinafter referred to, and hereby permits and approves the exercise of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company October 14, 1908, by the president and trustees of the village of Farmingdale, and by a franchise granted to said company November 2, 1908, by the board of supervisors of Nassau county.

[Case No. 630]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ROCHESTER RAILWAY AND LIGHT COMPANY, under section 68 of the Public Service Commissions Law, as to new construction and exercise of franchises.

The Rochester Railway and Light Company having on December 5, 1908, filed with this Commission its petition under section 68 of the Public Service Commissions Law, for permission to construct, maintain, and operate extensions of its gas mains and electric wires into and in the town of Greece, Monroe county, and for approval of the exercise of rights and privileges for such construction, maintenance, and operation conferred on said company by franchises from the town board and highway commissioner of said town; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Rochester on January 7, 1909, *Edward Harris, jr.*, appearing for the petitioner and no one else appearing; now, upon the aforesaid petition and accompanying papers, and statements at the hearing, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the laying, erection, maintenance, and operation by the Rochester Railway and Light Company of mains, pipes, wires, subways, conduits, and fixtures in, through, over, or under the streets, highways, and public places of the town of Greece, Monroe county, for the purpose of conducting and distributing gas and electricity for heat, light, and power to the public, and hereby permits and approves the exercise by said company of rights and privileges for such laying, erection, maintenance, and operation conferred on said company by franchises granted to said company by the town board and highway commissioner of the town of Greece, Monroe county, on November 23, 1908, a certified copy of which franchises is on file with this Commission.

[Case No. 697]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NASSAU LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

The Nassau Light and Power Company having on January 22, 1909, filed with this Commission its petition under section 68 of the Public Service

Commissions Law, for permission to exercise and approval of the exercise of rights and privileges under a franchise received from the village of Hempstead on June 2, 1908, which franchise extends from November 4, 1926, to January 1, 1929, the life of a franchise granted to said company by said village on November 4, 1901; and a hearing on said petition having been held by this Commission in the city of Albany on January 22, 1909, *Henry A. Uterhart* appearing for the petitioner; now, upon the aforesaid petition and accompanying papers, and statements at the hearing, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be and they are hereby given that the Nassau Light and Power Company may exercise the rights and privileges granted it by the trustees of the village of Hempstead extending the franchise of said company in said village to the 1st day of January, 1929, a certified copy of such extension being annexed to the petition of said company and marked Schedule B.

[Case No. 692]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the RENSSELAER FALLS ELECTRIC LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

The Rensselaer Falls Electric Light and Power Company having on January 21, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law, for permission to construct, maintain, and operate in the unincorporated village of Rensselaer Falls, town of Canton, St. Lawrence county, poles and wires for furnishing to the public electricity for light, heat, or power, and to exercise rights and privileges under a franchise for such construction, maintenance, and operation received from the town board of said town; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 3, 1909, *A. H. Wiggins* appearing for the petitioner and no one else appearing; now, upon the aforesaid petition and accompanying papers, and statements at the hearing, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Rensselaer Falls Electric Light and Power Company in the unincorporated village of Rensselaer Falls, town of Canton, St. Lawrence county, of poles and wires for furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by the town board of said town on December 24, 1908, a certified copy of which franchise is on file with this Commission.

[Case No. 752]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the DELAWARE AND OTSEGO LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

The Delaware and Otsego Light and Power Company having on February 26, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law, for permission to construct, maintain, and operate in the town of Sidney, Delaware county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and to exercise rights and privileges under a franchise for such construction, maintenance, and operation received from the town board and highway commissioner of said town; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 15, 1909, *E. A. Mackey* appearing for the petitioner and no one else appearing; and it appearing that said franchise covers the laying of pipes for supplying gas as well as the laying of wires and erection of poles and wires for electricity, and covers all of the highways and public places in the town of Sidney, and that the company does not now propose to furnish gas, and now proposes to construct, maintain, and operate its electric line only from East Sidney to and in Sidney Center; now, upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Delaware and Otsego Light and Power Company between East Sidney and Sidney Center in the county of Delaware, of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by the town board and highway commissioner of said town January 18, 1909, but so far only as said franchise authorizes the construction, maintenance, and operation by said company of its electric line from East Sidney to and in Sidney Center; and the provisions of said franchise as to the laying of pipes for furnishing gas and the construction of electric lines in other portions of said town are not now passed upon by this Commission.

[Case No. 505]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CORINTH ELECTRIC LIGHT AND POWER COMPANY under sections 68 and 69 of the Public Service Commissions Law.

The Corinth Electric Light and Power Company having on September 25, 1908, filed with this Commission its petition under sections 68 and 69 of the Public Service Commissions Law as to construction and issuing capital stock; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on October 19, 1908, *James McPhillips* appearing for the petitioner and no one else appearing; now, upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Corinth Electric Light and Power Company, as herein limited, of poles and wires for transmitting and furnishing to the public, electricity for light, heat, and power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation under franchises herein named.

Ordered: 2. That the said company may purchase from Warren Curtis, jr., the power station, dam, lease of water rights, plant, transmission lines, transformers, meters, and all other property now owned and operated by the said Warren Curtis, jr., as an electric light plant in the village of Corinth, and particularly described in the petition herein, and that the said Warren Curtis, jr., may sell and transfer the same to said company.

Ordered: 3. That the said Warren Curtis, jr., may sell and transfer to said company a certain franchise from the village of Corinth, and a franchise from the village of Palmer Falls and the town of Corinth, described in said petition, also a contract for lighting said village of Corinth, and that the said company may exercise said franchises.

Ordered: 4. That the said company be and it is hereby authorized to issue its capital stock to the amount par value of $25,000 in payment for the property and franchises herein authorized to be transferred to said company by said Warren Curtis, jr., and for no other purpose. That in the opinion of the Commission the use of the capital to be secured by the issue of said stock is reasonably required for the said purposes of the company.

Ordered: 5. That said capital stock to the amount par value of $25,000 shall be devoted to and used in payment for the property and franchises herein authorized to be transferred to said company by said Warren Curtis, jr., and for no other purpose.

Ordered: 6. That said company when it has received the said property and franchises and given therefor its capital stock to the amount par value of $25,000, shall make a verified report to this Commission, setting forth the transaction, and in detail the property and franchises so received by it, and if such transaction is not completed within thirty days from the date of this order, said Company shall make a verified report to this Commission, stating the condition of the proposed transaction on said date, and thereafter shall

make a verified report each thirty days until the transaction is completed and the final verified report as above is made to this Commission.

Ordered: 7. That this authorization shall not be construed to authorize the transaction of business other than under the above described franchises.

[Case No. 727]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the DWASS ELECTRIC COMPANY under sections 68 and 69 of the Public Service Commissions Law, as to construction and issuing capital stock.

The Dwass Electric Company having on February 9, 1909, filed with this Commission its petition under sections 68 and 69 of the Public Service Commissions Law: under section 68 for permission to construct, maintain, and operate in the town of Clifton Park, Saratoga county, and on the grounds of the Round Lake Association in said county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and approval of the exercise of rights and privileges under franchises for such construction, maintenance, and operation received from the town board and highway commissioners of the town of Clifton Park and from the Round Lake Association; and under section 69 for authority to issue the $20,000 common capital stock, par value $50 a share, named in the articles of association of said company; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 3, 1909, *A. T. G. Wemple* appearing for the petitioner and no one else appearing; and it appearing that the proceeds of said capital stock are to be used in the acquisition of property for and in the construction and completion of its proposed plant and distributing system; now, upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Dwass Electric Company of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, along the highway leading from Ushers south to Clifton Park until said highway crosses the line of the town of Halfmoon, and along the easterly highway leading from Ushers to Round Lake from the town line of Halfmoon to the town line of the town of Malta, said portions of said highways being in the town of Clifton Park, Saratoga county, and on the grounds of the Round Lake Association; and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by the town board and highway commissioners of the said town of Clifton Park, which franchise is dated January 9, 1909, and by a franchise from the board of trustees of the Round Lake Association.

Ordered: 2. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Dwass Electric Company to issue the $20,000 common capital stock of said company named in its articles of

association, par value $50 a share, the use of the capital to be secured by the issue of said capital stock being in the opinion of this Commission reasonably required for the lawful purposes of the said corporation: to wit, the acquisition of property and the construction and completion of its proposed plant and distributing system as set forth in the affidavit of William Gifford herein, verified April 1, 1909.

Ordered: 3. That said $20,000 common capital stock shall be issued only for cash at the par value thereof.

Ordered: 4. That the proceeds of said capital stock shall be devoted to and used by said company for the acquisition of property and the construction and completion of its proposed plant and distributing system as set forth in the affidavit of William Gifford herein, verified April 1, 1909, and for no other purpose.

Ordered: 5. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $20,000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock have been expended, pursuant to the terms of this order.

[Case No. 838]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of PORT JEFFERSON ELECTRIC LIGHT COMPANY under section 68 of the Public Service Commissions Law.

The Port Jefferson Electric Light Company having on April 6, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the town of Brookhaven, Suffolk county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of rights and privileges under a franchise for such construction, maintenance, and operation received from the town board and highway commissioners of said town; and it appearing that the petitioner is now furnishing electricity for light and power in Port Jefferson, Echo, East Setauket, Setauket, and Stony Brook in said town, and desires to extend its business easterly from Port Jefferson to and in the unincorporated villages of Mount Sinai, Miller Place, Rocky Point, Shoreham, and Wading River in the town of Brookhaven, Suffolk county; now, upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Port Jefferson Electric Light Company easterly from Port Jefferson to and in the unincorporated villages of Mount Sinai, Miller

Place, Rocky Point, Shoreham, and Wading River, all in the town of Brookhaven, Suffolk county, of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by the town board and highway commissioners of said town, March 11, 1909, which franchise excepts such portions of highways, avenues, and streets as are covered by another franchise held by said company.

[Case No. 837]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of DESPATCH HEAT, LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

The Despatch Heat, Light and Power Company having on April 15, 1909, filed with the Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Victor, Ontario county, poles, wires, pipes, conduits, and other fixtures for conducting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise for construction, maintenance, and operation received from said village; now, upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered, That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Despatch Heat, Light and Power Company in the village of Victor, Ontario county, of poles, wires, pipes, conduits, and other fixtures for conducting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for construction, maintenance, and operation conferred on said company by a franchise granted to said company by the president and trustees of the village of Victor, Ontario county, February 24, 1909, and accepted by said company, as amended by resolution of the president and trustees of said village adopted February 27, 1909.

[Case No. 859]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the MUNICIPAL GAS COMPANY of Albany, N. Y., under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the application of the Municipal Gas Company verified April 26, 1909, for approval of the exercise of its rights and privileges under franchises granted April 7th, respectively by the town board of the town of Bethlehem and the highway commissioner of the town of Bethlehem, and to erect and maintain poles, lamps, wires and cables, and all other necessary appliances and apparatus for the purpose of conducting the current of electricity for the transmission and production of light, heat, and power upon and along Delaware avenue from the city line of the city of Albany to the Five Mile House west of Delmar, and along all adjacent streets intersecting and running parallel with the said Delaware avenue within the unincorporated villages of Elsmere, Delmar, and Slingerland, in the town of Bethlehem, county of Albany, State of New York, while said corporation furnishes light, heat, and power within said district in the town of Bethlehem, pursuant to the terms of said franchises, be and the same is hereby granted upon the papers in the case.

[Case No. 888]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the A. L. SWETT ELECTRIC LIGHT AND POWER COMPANY of Medina, under section 68 of the Public Service Commissions Law.

The A. L. Swett Electric Light and Power Company of Medina having on May 4, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the town of Yates, Orleans county, and in the village of Lyndonville, poles and wires for conducting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise for construction, maintenance, and operation received from the town board of the town of Yates and the president and trustees of the village of Lyndonville; and having filed with this Commission all the necessary papers required by the rules of this Commission; now, upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the A. L. Swett Electric Light and Power Company of Medina, in the town of Yates, Orleans county, and in the village of Lyndonville, of poles, wires, cables, and appurtenances for conducting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for construction, maintenance, and operation conferred on said company by a franchise granted to said company by the town board of the town of Yates, Orleans county, on October 2, 1908, and by the president and trustees of the village of Lydonville on October 14, 1908.

[Case No. 905]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of WILLIAM STOCK of Hannibal, Oswego county, under section 68 of the Public Service Commissions Law.

William Stock of the village of Hannibal, Oswego county, having on May 17, 1909, filed with this Commission his petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Hannibal, Oswego county, poles and wires for conducting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by him of rights and privileges under a franchise for such construction, maintenance, and operation received by him from the president and trustees of said village; now, upon the aforesaid petition, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by William Stock, in the village of Hannibal, Oswego county, of poles and wires for conducting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said William Stock of rights and privileges for such construction, maintenance, and operation conferred on him by a franchise granted by the president and trustees of said village, March 1, 1909, a certified copy of which franchise is filed with this Commission.

[Case No. 484]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the SARANAC LAKE GAS COMPANY for permission to do business and issue stock and bonds, pursuant to section 68 and section 69 of the Public Service Commissions Law.

Whereas, An order of this Commission was made on the 7th of October, 1908, permitting and approving under section 68 of the Public Service Commissions Law the construction, maintenance, and operation by the petitioner in the public streets, etc., in the village of Saranac Lake, of pipes and mains for conducting and distributing its gas for lighting the streets, etc., of the said village; and further permitting and approving the exercise of rights and privileges conferred on said company by a franchise granted to said company September 1, 1908, by the president and trustees of the village of Saranac Lake, which order was founded on a petition made by the Saranac Lake Gas Company, verified on the 16th day of September, 1908; and

Whereas, Said petition further prayed for permission under section 69 of the Public Service Commissions Law to issue $88,000 of its first mortgage bonds, bearing interest at the rate of 5 per cent per annum and payable 30 years from date, and $22,000 of its capital stock, for the purpose of the construction of its works in the village of Saranac Lake as set forth in said petition, which bonds and stock were to be issued, according to the terms of said petition, as follows: To Charles E. Starr of Philadelphia, Penna., in full payment for the construction of the gas works and system of the petitioner, as set forth in a contract between said Starr and the petitioner attached to said petition, $80,000 of first mortgage bonds of an authorized issue of $100,000, and $20,000 of fully paid capital stock of the company of an authorized issue of $50,000; also a further issue of $7750 in stock and bonds to pay for the land for the location of the plant, engineering and legal expenses, and a working capital, as set forth in the petition; now, after a hearing upon said petition, it is

Ordered: 1. That this Commission hereby approves the contract made on the 8th of September, 1908, between Saranac Lake Gas Company, the petitioner herein, party of the first part, and Charles E. Starr of Philadelphia, Penna., party of the second part, on the condition however that the said contract be modified in the following particulars: to wit, (*a*) that the said contract be amended to read as follows: "The party of the second part agrees to furnish all of the work, labor and materials necessary to build and construct a gas plant at Saranac Lake, State of New York, in accordance with the plans and specifications attached hereto and made a part hereof, for the sum of $84,000, to be paid as follows: $59,000 in first mortgage bonds of the company of an authorized issue of $100,000, the gas company agreeing that not any of its said bonds have been issued; and $25,000 of the full paid capital stock of the company of a total authorized issue of $50,000. The new stocks and bonds going to the party of the second part shall be issued and delivered to the party of the second part as the work progresses. In addition to the foregoing price, the party of the second part is to receive $4 per cubic yard for rock excavation, the payment of the same to be made 65 per cent in bonds of the company and 35 per cent in stock of the company, each to be taken at its face value."

Ordered: 2. That in case the said contract between said Charles E. Starr and the said company be modified as hereinbefore set forth, and a verified copy of said modified contract filed with this Commission, then this Commission hereby, under section 69 of the Public Service Commissions Law, authorizes the Saranac Lake Gas Company, the petitioner herein, to issue to the said Starr, in accordance with the terms of said contract, and on completion of the work thereunder from time to time as therein provided, its first mortgage bonds to the value of $59,000 at par out of an authorized issue of $100,000 payable in 30 years at the rate of 5 per cent per annum, and common stock to the amount at par value of $25,000 fully paid up out of a total authorized issue of $50,000.

Ordered: 3. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Saranac Lake Gas Company to issue and deliver in exchange for land to be used for the location of its plant, engineering expenses in connection with the erection of the same, and legal expenses, and to provide for a working capital of $3000 as set forth in detail in the petition, its bonds of the series hereinbefore described to the par value of $6000 and fully paid up common capital stock of the issue hereinbefore described of $2700; the use of the capital to be secured by the issuance of the bonds and stock described in this paragraph and the immediately preceding paragraph (order No. 2) being in the opinion of the Commission reasonably required for the purposes of the Saranac Lake Gas Company hereinbefore set forth.

Ordered: 4. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Saranac Lake Gas Company to make, execute, and deliver upon all its property a first mortgage executed to a trust company hereafter to be selected, of $100,000, to secure the entire issue of bonds hereinbefore set forth, the form of said mortgage to be filed with this Commission; the use of the capital to be secured by the execution and delivery of said mortgage being in the opinion of this Commission reasonably required for the purposes of the Saranac Lake Gas Company hereinbefore set forth.

Ordered: 5. That the issuance to said Charles E. Starr of the bonds and stock hereinbefore set forth shall be made on condition that the plant of the gas company be constructed in accordance with the plans and specifications attached to the said contract between said Starr and the Saranac Lake Gas Company dated September 8, 1908, hereinbefore referred to, a copy of which contract and specifications named is attached to the petition herein.

Ordered: 6. That the Saranac Lake Gas Company shall make verified reports to this Commission, as follows: upon the execution and delivery of said mortgage and the issuance of any bonds secured thereby and the issuance of any of said common capital stock, as authorized by this order to be issued, the facts in relation thereto, setting forth in reasonable detail the purposes to which said stock and bonds or the proceeds thereof have been devoted, in accordance with the terms of this order.

[Case No. 531]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of SEELYE A. COOK, DON J. BIGELOW, GEO. A. BOWEN, and MILFORD W. CHILDS of Medina, under section 68 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the matter of the application of Seelye A. Cook, Don J. Bigelow, George A. Bowen, and Milford W. Childs, for permission to exercise rights and privileges under the franchise heretofore granted them by the village of Medina, Orleans county, N. Y., and to furnish thereunder and to the inhabitants of said village electricity for light, heat, and power, be and is hereby closed upon the records, with leave to applicants to reopen the case upon further application.

[Case No. 926]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CHURCHVILLE OIL AND NATURAL GAS COMPANY under section 68 of the Public Service Commissions Law.

The Churchville Oil and Natural Gas Company having on May 24, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to lay, maintain, and operate in the village of Churchville, Monroe county, gas lines and pipes under ground for conducting and furnishing to the public natural gas for light, heat, or power; and for approval of the exercise by said company of rights and privileges under a franchise for such maintenance and operation received by said company from the president and trustees of said village; now, upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the laying, maintenance, and operation by the Churchville Oil and Natural Gas Company in the village of Churchville, Monroe county, of gas lines and pipes under ground for conducting and furnishing to the public natural gas for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such laying, maintenance, and operation conferred in said company by a franchise granted to said company by the president and trustees of said village, March 30, 1909, a certified copy of which franchise is on file with this Commission.

[Case No. 114]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the NIAGARA FALLS LIGHTING COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchises.

The Niagara Falls Lighting Company having filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the city of Niagara Falls and in the town of Lewiston, Niagara county, poles, conduits, and wires for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the mayor and common council of the city of Niagara Falls and from the town board and highway commissioner of the town of Lewiston; and due hearing thereon having been given by this Commission, *Robert H. Gittins* and *Parker, Hatch and Sheehan* appearing for said petitioner, and *Cohn & Chormann, Dempsey, Tuttle & Rice*, and *Kenefick, Cooke and Mitchell* appearing in opposition; now, upon the aforesaid petition, papers filed, and evidence at the hearings, and after due deliberation, it is

Ordered: That said petition be and it is hereby denied.

[Case No. 991]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the HOOSAC RIVER ELECTRIC LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

The Hoosac River Electric Light and Power Company having on July 2, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law, for permission to construct, maintain, and operate in the village of Valley Falls, Rensselaer county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by the said village; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on July 12, 1909, *James O. Carr* and *George E. Greene* appearing for the petitioner, and no one else appearing; now, upon the aforesaid petition, papers filed, and statements at the hearing, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Hoosac River Electric Light and Power Company in the village of Valley Falls, Rensselaer county, of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by said village on June 11, 1909, a certified copy of which franchise is on file with this Commission.

[Case No. 998]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE PAVILION NATURAL GAS COMPANY, under section 68 of the Public Service Commissions Law as to construction, and under section 70 of the Public Service Commissions Law as to franchises.

The Pavilion Natural Gas Company having on July 3, 1909, filed with this Commission its petition, under section 68 of the Public Service Commissions Law for permission to lay, maintain, and operate in the public highways and streets of certain towns and villages in Wyoming county hereinafter named, pipes and appliances for furnishing to the public natural gas for light, heat, or power, and for approval of the exercise of rights and privileges for such construction, maintenance, and operation under franchises granted to said company by municipal authorities, and under franchises granted to S. Percy Hooker by municipal authorities and transferred to this petitioner; and under section 70 of the Public Service Commissions Law for consent that S. Percy Hooker may transfer to this petitioner, and that this petitioner may accept, certain franchises for laying, maintaining, and operating in the public highways and streets of certain towns and the village of Perry, in Wyoming county, pipes and appliances for furnishing to the public natural gas for light, heat, or power; and a hearing on said petition having been held in the city of Buffalo on July 16th, *William H. Foster* appearing for the petitioner; now upon the aforesaid petition, papers filed, and statements at the hearing, and after due deliberation, it is

Ordered: 1. That the permission and approval of this Commission is given that The Pavilion Natural Gas Company may exercise the rights and privileges under franchises granted it as follows, the said franchises being hereby approved: *a*, franchise granted to said company by the town board and highway commissioners of the town of Middlebury, Wyoming county, on the 23rd day of April, 1909; *b*, a franchise granted to said company by the town board and highway commissioners of the town of Warsaw on the 29th day of April, 1909; *c*, a franchise granted to said company by the board of trustees of the village of Warsaw on the 14th day of April, 1909; copies of which franchises were filed by said company with this Commission with its application for this consent and approval.

Ordered: 2. That S. Percy Hooker, an individual, the owner of certain franchises hereinafter described for exercising the rights of a gas corporation, may transfer to the said Pavilion Natural Gas Company the following fran-

chises, and that said company may exercise the rights and privileges conferred by said franchises: to wit, *a*, a franchise granted to said S. Percy Hooker by the town board and highway commissioner of the town of Covington on the 5th day of November, 1908; *b*, a franchise granted to the said S. Percy Hooker by the town board and highway commissioner of the town of Perry on the 1st day of October, 1908; *c*, a franchise granted to the said S. Percy Hooker by the board of trustees of the village of Perry on the 23rd day of September, 1908.

Ordered: 3. That said company may begin the construction required in order to exercise and use said franchises and each of them.

[Case No. 908]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the DEER RIVER POWER COMPANY under sections 68 and 69 of the Public Service Commissions Law as to construction and issuing capital stock.

The Deer River Power Company having on May 18, 1909, filed with this Commission its petition verified the 15th day of May, 1909, and subsequently its amended petition verified the 23rd day of July, 1909, under sections 68 and 69 of the Public Service Commissions Law: under section 68 for permission to construct, maintain, and operate in the village of Copenhagen, Lewis county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and approval of the exercise of rights and privileges under a franchise dated November 6, 1908, for such construction, maintenance, and operation received from the trustees of the said village of Copenhagen; and under section 69 for authority to issue the $50,000 capital stock, par value $100 a share, named in the certificate of incorporation of said company; and public hearings on said petitions, after due notice, having been held by this Commission in the city of Albany on May 19, 1909, and July 27, 1909, *George H. Cobb* and *Stephen R. Cleveland* appearing for the petitioner, and no one in opposition; and it appearing that the proceeds of said capital stock are to be used in the acquisition of property and in payment for the expenses of organization and all indebtedness incurred in the purchase of certain water power, riparian rights, and land at High Falls on Deer river; now upon the aforesaid petitions and the accompanying papers, and evidence at the hearings, and after due deliberation, it is

Ordered: 1. That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Deer River Power Company of poles and wires in and through the streets, highways, and public places in the village of Copenhagen, Lewis county, and permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted November 6, 1908, to S. R. Cleveland and by him duly assigned to said company.

Ordered: 2. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Deer River Power Company to issue its capital stock to the amount of $25,000, par value $50 a share, the use

of the capital to be secured by the issue of said capital stock being in the opinion of this Commission reasonably required for the lawful purposes of the said corporation, to wit, the acquisition of property and the discharge of indebtedness.

Ordered: 3. That said $25,000 capital stock shall be issued at not less than the par value thereof.

Ordered: 4. That said $25,000 capital stock, or the proceeds from the sale thereof, shall be devoted to and used by said company for paying the expenses of organization and paying its indebtedness incurred in the purchase of certain water power, riparian rights, and land at High Falls on Deer river, described in the petitions of said company, and for no other purpose.

Ordered: 5. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $25,000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock: (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of said capital stock, or the proceeds from the sale thereof, setting forth in reasonable detail the purposes to which said stock or the proceeds have been devoted, in accordance with the terms of this order; that such reports shall be made until all of said capital stock or the proceeds have been issued or expended, pursuant to the terms of this order.

[Case No. 1055]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of CRYSTAL CITY GAS COMPANY under section 68 of the Public Service Commissions Law as to construction.

The Crystal City Gas Company having on August 9, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, lay, maintain, and operate in the town of Corning, Steuben county, conductors, mains, and pipes through the streets, highways, and public places in said town for transmitting and furnishing to the public natural or manufactured gas; and for approval of the exercise of rights and privileges under a franchise for such construction, maintenance, and operation dated July 27, 1909, received from the town board of said town; now upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: 1. That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, laying, maintenance, and operation by the Crystal City Gas Company of conductors, mains, and pipes through the streets, lanes, alleys, squares, highways, and public places in the town of Corning, Steuben county, for transmitting and furnishing to the public natural gas for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, laying, maintenance, and operation conferred on said company by a franchise granted by the town board of the said town of Corning under date of July 27, 1909.

[Case No. 1078]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the PATCHOGUE ELECTRIC LIGHT COMPANY under section 68 of the Public Service Commissions Law as to construction and exercise of franchises.

The Patchogue Electric Light Company having on August 21, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the town of Brookhaven, Suffolk county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the town board and highway commissioners of said town; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on September 1, 1909, *Joseph T. Losee* appearing for the petitioner; and after reading and filing the affidavit herein of Charles E. Osborn, verified August 30, 1909; and it appearing that the petitioner is now furnishing electricity for light, heat, or power in the village of Patchogue, Suffolk county, and desires to extend its business; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Patchogue Electric Light Company in the town of Brookhaven, Suffolk county, of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company October 29, 1898, by the highway commissioners of said town, and by a franchise granted to said company January 25, 1909, by the town board and highway commissioners of said town, copies of which franchises are on file with this Commission in this matter.

[Case No. 1244]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition under section 68 of the Public Service Commissions Law, of the RENSSELAER FALLS ELECTRIC LIGHT AND POWER COMPANY, as to construction and exercise of franchises in the town of De Kalb and unincorporated village of De Kalb Junction in said town, St. Lawrence county.

The Rensselaer Falls Electric Light and Power Company having on September 7, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the town of De Kalb and unincorporated village of De Kalb Junction in said town, St. Lawrence county, poles and wires for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the town board and town superintendent of highways of said town; and it appearing that the petitioner is now furnishing to the public in the town of Canton, St. Lawrence county, including the unincorporated village of Rensselaer Falls, electricity for light, heat, or power, and desires to extend its business into the town of De Kalb which adjoins the town of Canton; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Rensselaer Falls Electric Light and Power Company in the town of De Kalb and unincorporated village of De Kalb Junction in said town of De Kalb, St. Lawrence county, of poles and wires for transmitting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company of rights and privileges for such construction, maintenance, and operation conferred on said company by a franchise granted to said company by the town board of said town of De Kalb August 23, 1909, and by a franchise granted to said company by the town superintendent of highways of said town of De Kalb, certified copies of which franchises are on file with this Commission.

[Case No. 1232]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the PAWLING ELECTRIC LIGHT, HEAT AND POWER COMPANY under section 68 of the Public Service Commissions Law.

The Pawling Electric Light, Heat and Power Company having on August 26, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Pawling, Dutchess county, poles, wires, subways, and appliances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by said company, its successors or assigns, of rights and privileges under a franchise for such construction, maintenance, and operation received by said company from the board of trustees of said village; and a public hearing on said petition after due notice having been called by this Commission in the city of Albany on September 13, 1909; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by the Pawling Electric Light, Heat and Power Company, its successors or assigns, in the village of Pawling, Dutchess county, of poles, wires, subways, and appliances for transmitting and furnishing to the public electricity for light, heat, or power, and hereby permits and approves the exercise by said company, its successors or assigns, of rights and privileges for such construction, maintenance, and operation conferred on said company, its successors or assigns, by a franchise granted the said company July 31, 1909, by the board of trustees of said village, a certified copy of which franchise is filed with this Commission in this matter.

[Case No. 1263]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the WETMORE ELECTRIC COMPANY under section 68 of the Public Service Commissions Law as to construction of extensions of its lines.

The Wetmore Electric Company having on September 20, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the towns of New Bremen and Croghan and portions of the town of Denmark, Lewis

county, poles and wires and appliances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the town boards of said towns; and it appearing from the petition herein that said company is now furnishing electricity for light, heat, or power in the village of Lowville and towns of Lowville, New Bremen, and Croghan in said county, and desires to extend its business to the unincorporated villages of Beaver Falls, which is partly in the town of Croghan and partly in the town of New Bremen; Naumburg, which is in the town of Croghan; and Castorland and its immediate vicinity in the town of Denmark; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be given that the Wetmore Electric Company may begin construction and maintain and operate a distributing system in the village of Castorland and vicinity, town of Denmark, Lewis county, for the purpose of furnishing electricity to said village and the inhabitants thereof, pursuant to its rights and privileges under a franchise granted by the town board of said town on August 23, 1909, and may also extend its present distributing system in the towns of Croghan and New Bremen, Lewis county, for the purpose of furnishing electricity to the villages of Beaver Falls and Naumburg and their inhabitants in said towns.

[Case No. 1267]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY, under section 68 of the Public Service Commissions Law as to construction of electric lines in the town of Colonie, Albany county.

After due deliberation it is

Ordered: That the permission and approval of this Commission be given that the Municipal Gas Company of the city of Albany may begin construction and maintain and operate a distributing system upon and along the Troy road from Albany city line to Schuyler bridge, Van Rensselaer avenue, Menands road, Loudonville road, Lyon avenue, Brookside avenue, Irving place, Cemetery avenue, Garbrance lane, Wards lane, in the town of Colonie, Albany county, for the purpose of transmitting and supplying electricity to said town and the inhabitants thereof, pursuant to its rights and privileges under a franchise granted by the town board of said town on September 4, 1909.

[Case No. 1274]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of ARTHUR HIND, under section 68 of the Public Service Commissions law as to construction of electric light, heat, or power lines.

Arthur Hind of Clark Mills in the town of Kirkland, Oneida county, having on September 25, 1909, filed with this Commission his petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate within the territory of a lighting district established by the town board of the town of Kirkland, Oneida county, on September 15, 1909, poles, wires, conduits, transformers, and electrical apparatus for transmitting and furnishing electricity; and for approval of the exercise by said petitioner of rights and privileges under a franchise for such construction, maintenance, and operation received by said petitioner from the highway commissioner of said town; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be given that Arthur Hind may begin construction of and maintain and operate an electrical plant and distribution system for the purpose of supplying electric current for street lighting and for light, heat, and power within the boundaries of the lighting district established by the town board of the town of Kirkland, county of Oneida, under date of September 15, 1909, and pursuant to the franchise granted by the highway commissioner of said town of Kirkland under date of September 24, 1909.

[Case No. 1291]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the Area or Territory known as Sylvan Beach, in the town of Vienna, county of Oneida, under section 68 of the Public Service Commissions Law as to construction, maintenance, and operation of works or systems for supplying electricity for lighting for other than municipal purposes.

The Area or Territory known as Sylvan Beach, in the town of Vienna, county of Oneida, referred to in chapter 361 of the laws of 1901, having filed with this Commission a petition under section 68 of the Public Service Commissions Law for a certificate authorizing it to build, maintain, and

operate within said area or territory works or systems for supplying the public generally within said area or territory with electricity for lighting purposes; it appearing that by said works or systems electricity is also to be supplied for lighting the streets, parks, and public buildings within said area or territory, and is also to be supplied to the public generally within said area or territory for power; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on October 19, 1909, *Edwin J. Brown* appearing for said petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That this Commission does hereby under section 68 of the Public Service Commissions Law grant authority unto the Area or Territory known as Sylvan Beach, in the town of Vienna, Oneida county, to build, maintain, and operate for other than municipal purposes an electric plant and distributing system for the generating and supplying of electricity within said territory.

[Case No. 1292]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the HILTON ELECTRIC LIGHT, POWER AND HEAT COMPANY under section 68 of the Public Service Commissions Law as to construction.

The Hilton Electric Light, Power and Heat Company having on October 6, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Hilton, Monroe county, poles, wires, and other means of transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges therefor under a franchise for such construction, maintenance, and operation received by John E. Cooper from the president and trustees of said village, and assigned by said Cooper to this petitioner; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Buffalo on October 22, 1909, *George Y. Webster* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That the permission and approval of this Commission be and hereby is given that Hilton Electric Light, Power and Heat Company, an electrical corporation, may begin construction and exercise the rights and privileges granted under and by a franchise granted by the village of Hilton to John E. Cooper on the 7th day of June, 1909, and by said Cooper assigned to said electrical corporation on the 17th day of September, 1909.

[Case No. 1305]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE VESTAL LIGHTING COMPANY under sections 68 and 69 of the Public Service Commissions Law as to construction and issuing common capital stock.

The Vestal Lighting Company having on October 27, 1909, filed with this Commission its petition under sections 68 and 69 of the Public Service Commissions Law: (1) under section 68 for permission to construct, maintain, and operate in portions of the town of Vestal, Broome county, poles, wires, and appliances for transmitting and furnishing to the public electricity for lighting purposes; and for approval of the exercise of rights and privileges therefor under a franchise for such construction, maintenance, and operation received by said company from the town board and highway commissioner of said town; (2) under section 69 for authority to issue the $1000 common capital stock, par value $25 a share, named in the certificate of incorporation of said company; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: 1. That The Vestal Lighting Company be and it is hereby authorized to issue its capital stock to the amount of $1000 par value, the stock or the proceeds thereof to be used for the construction and equipment of electrical distribution lines in the town of Vestal, Broome county, to the amount of $930, and the balance for working capital; that in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That permission and approval are hereby given that said company begin construction and exercise the rights and privileges under the franchise granted by the town board of said town of Vestal and the commissioner of highways of said town on the 3rd day of December, 1908, a copy of which is annexed to the petition of said company.

Ordered: 3. That upon the issuance of said common capital stock at par said company shall make a verified report to this Commission, stating said fact and stating the purposes for which said stock was issued.

[Case No. 1306]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of CHARLES AUSTIN BORST of the village of Clinton, Oneida county, under section 68 of the Public Service Commissions Law as to construction.

Charles Austin Borst of the village of Clinton, Oneida county, having filed with this Commission his petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in a portion of the town of Kirkland, Oneida county, poles, wires, and electrical apparatus for transmitting and furnishing electricity to the village of Clinton as a municipality; and for approval of the exercise of rights and privileges therefor under franchises dated October 1, 1909, from the town board and the superintendent of highways of said town of Kirkland, copies of which are filed with this Commission; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That Charles Austin Borst of the village of Clinton, Oneida county, may exercise the rights and privileges under franchises granted him by the town board and the superintendent of highways of the town of Kirkland, Oneida county, and may construct and maintain poles, wires, and electrical apparatus on, above, or over the street known as Utica street extended from a point opposite the Hematite mines to the corporate limits of the village of Clinton, Oneida county, and also to cross over and above the street extending easterly from Utica street to Washington Mills, for the purpose of conducting electrical current from his power house at Clinton Hematite mines to the corporate limits of the village of Clinton, to be sold to and used by said village for municipal and other purposes.

[Case No. 1312]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
Commissioners.

In the Matter of the Petition of the ORANGE AND ROCKLAND ELECTRIC COMPANY under section 68 of the Public Service Commissions Law as to construction of extensions and exercise of franchises in the town of Warwick, Orange county.

The Orange and Rockland Electric Company having on October 29, 1909, filed with this Commission its petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the second election district of the town of Warwick, Orange county, poles, wires, and all other necessary appliances and devices for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the

exercise by said company of rights and privileges under franchises for such construction, maintenance, and operation received by said company from the town board and superintendent of highways of said town; and it appearing that the object is mainly to furnish electricity in a lighting district which includes the unincorporated village of Florida and is in said second election district; and it further appearing that this petitioner is now furnishing electricity to public and private consumers in the village and town of Monroe and other towns in said county and desires to extend its business to the town of Warwick, which adjoins the town of Monroe and other towns in which the petitioner is now furnishing electricity; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That permission and approval be and it is hereby given that the Orange and Rockland Electric Company may exercise the franchises granted it by the town board of the town of Warwick dated October 18, 1909, and the superintendent of highways of said town dated October 8, 1909, copies of which are annexed to the petition of said company, and to construct its distributing system by proper extensions for the purpose of supplying electric current pursuant to the terms of said franchises.

[Case No. 1330]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of ALFRED HUNTINGTON under section 68 of the Public Service Commissions Law as to construction and exercise of a franchise for an electric line in the village of Sinclairville, Chautauqua county.

Alfred Huntington of Sinclairville, Chautauqua county, N. Y., having on November 18, 1909, filed with this Commission his petition under section 68 of the Public Service Commissions Law for permission to construct, maintain, and operate in the village of Sinclairville, poles, wires, and appliances for transmitting and furnishing to the public electricity for light and power; and for approval of the exercise by said petitioner of rights and privileges under a franchise for such construction, maintenance, and operation received by him from the president and trustees of said village, which franchise was adopted August 12, 1908, and a certified copy of which is filed with this Commission; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That consent be and is hereby given that Alfred Huntington may exercise the rights and privileges conferred by a franchise granted him by the village of Sinclairville, August 12, 1908, and may construct, maintain, and operate a plant for the furnishing of electricity in said village and to the inhabitants thereof.

[Case No. 1370]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of MORITZ MAYER under section 68 of the Public Service Commissions Law for consent to construct and operate an electric lighting plant at Camillus.

The petitioner in the above proceeding having applied as an individual for permission under section 68 of the Public Service Commissions Law for permission and approval of this Commission to begin construction of his plant for the furnishing of electricity for heat, light, and power in the village of Camillus, Onondaga county; and the exercise of the right and privileges of the franchises and consents granted to him by the village of Camillus, the village of Solvay, Onondaga county, and the town of Camillus; and due notice having been given by publication, and a hearing upon said application having been had;

Ordered: 1. That the permission and approval of this Commission is hereby given to the said Moritz Mayer to begin the construction of his plant for the furnishing of electricity for heat, light, and power in the village of Camillus, and the exercise of the rights and privileges of the franchises granted to the said Moritz Mayer by the president and trustees of the village of Camillus under date of November 24, 1909, of the board of trustees of the village of Solvay, Onondaga county, under date of November 30, 1909, and of the town board of Camillus under date of November 24, 1909, copies of which franchises are attached to the petition herein.

Ordered: 2. That the said Moritz Mayer make verified report to this Commission upon the completion of said plant the exact cost of installation of the same, and with reasonable detail the items thereof.

[Case No. 1325]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the MINEVILLE LIGHT, HEAT AND POWER COMPANY under sections 68 and 69 of the Public Service Commissions Law as to construction and issuing capital stock.

The Mineville Light, Heat and Power Company having filed with this Commission its petition and amended petition, under sections 68 and 69 of the Public Service Commissions Law: under section 68 for permission to construct, maintain, and operate in the town of Moriah, Essex county, poles,

wires, conduits, and fixtures for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received by said company from the town board and the superintendent of highways of said town; and under section 69 for authority to issue common capital stock; and a public hearing on said petition, after notice, having been held by this Commission in the city of Albany on December 22, 1909, *Stokes & Owen* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the permission and approval of this Commission is hereby given that the Mineville Light, Heat and Power Company, an electrical corporation, may begin construction and may exercise the rights and privileges conferred upon it by a franchise granted to it by the authorities of the town of Moriah dated the 13th day of November, 1909, a copy of which franchise is annexed to the application of said company for this permission.

Ordered: 2. That the said Mineville Light, Heat and Power Company be and it is hereby authorized to issue its capital stock to the amount par value of $10,000, said capital stock to the amount of $5634 to be issued for the purchase price of an electric plant heretofore constructed by the firm of Witherbee, Sherman & Co., at an actual cost of said sum of $5634; the remaining amount of $4366 to be issued for cash to the amount of the par value thereof, the said proceeds of said stock so sold to be used for the purpose of extending, improving, and enlarging the aforesaid electric plant, and for no other purpose whatever; that in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 3. That said Mineville Light, Heat and Power Company shall make verified reports to this Commission, as follows: (*a*) upon the issuance as set forth hereinabove of said capital stock to the amount of $5634, the facts of said transaction; (*b*) upon the sale of said remaining capital stock to the amount of $4366, or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said remaining capital stock; (*c*) at the termination of each and every period of six months from the date of this order the disposition and use made of the proceeds of said remaining capital stock, to the amount of $4366, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said remaining capital stock to the amount of $4366 have been expended, pursuant to the terms of this order.

APPENDIX M

In the Matter of Transfer of Franchise, Sale of Stock, or Consolidation of Electrical Corporations and Gas Corporations.

APPENDIX M

[Case No. 608]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the SULPHUR SPRINGS GAS COMPANY under section 70 of the Public Service Commissions Law.

The Sulphur Springs Gas Company having filed with this Commission its petition under section 70 of the Public Service Commissions Law, for consent to sell and transfer to the Silver Creek Gas and Improvement Company a lease of land, a natural gas well, and other properties; and a public hearing on said petition, after due notice, having been held by Commissioners Stevens and Olmsted of this Commission in the city of Buffalo on January 8, 1909, *Frank L. Smith* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition and evidence at the hearing, and after due deliberation, it is

Ordered: That the consent of this Commission be and it is hereby given that the Sulphur Springs Gas Company may sell the property and rights set forth and described in the petition of the said company dated the 20th day of November, 1908, to the Silver Creek Gas and Improvement Company, for and in consideration of twenty-five thousand dollars ($25,000) of the capital stock of said last named company.

[Case No. 655]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition under section 70 of the Public Service Commissions Law, of the ROCKLAND LIGHT AND POWER COMPANY, for consent to merge with itself, under section 58 of the Stock Corporation Law, the Nyack Gas Light and Fuel Company.

The Rockland Light and Power Company having on December 22, 1908, filed with this Commission its petition under section 70 of the Public Service Commissions Law, for consent to merge with itself, under section 58 of the Stock Corporation Law, the Nyack Gas Light and Fuel Company, and to

acquire and become possessed of all the estate, property, rights, privileges, and franchises of the Nyack Gas Light and Fuel Company; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on January 6, 1909, *Davies, Stone & Auerbach* appearing for the petitioner, and no one else appearing; and it appearing that the two companies herein named are engaged in similar business: to wit, the Rockland Light and Power Company furnishing electricity to the public, and the Nyack Gas Light and Fuel Company furnishing gas to the public; and it appearing that the Rockland Light and Power Company lawfully owns all the stock of the Nyack Gas Light and Fuel Company; now upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 70 of the Public Service Commissions Law, this Commission hereby consents that the Rockland Light and Power Company may under section 58 of the Stock Corporation Law merge with itself the Nyack Gas Light and Fuel Company, and acquire and become possessed of all the estate, property, rights, privileges, and franchises of said Nyack Gas Light and Fuel Company.

[Case No. 367]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of February, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the FLORAL PARK LIGHT AND POWER COMPANY, joined in by the NASSAU LIGHT AND POWER COMPANY, under section 70 of the Public Service Commissions Law.

Amendment of order of July 13, 1908.

On reading and filing the affidavit of Henry A. Uterhart, sworn to January 25, 1909, and on motion of Uterhart & Graham, attorneys for the Nassau Light and Power Company, it is

Ordered: That the order made by this Commission in the above entitled proceedings on the 13th day of July, 1908, be amended by inserting at the end thereof the following provisions: *Ordered:* That this Commission hereby consents, under section 70 of the Public Service Commissions Law, to the acquisition by the Nassau Light and Power Company of all of the outstanding common capital stock of the Floral Park Light and Power Company, consisting of 2402 shares of the par value of ten ($10) dollars each, upon the express condition however that no consideration be paid therefor other than the eight thousand ($8000) dollars for which said Nassau Light and Power Company purchased all of the franchises, works, and system of the Floral Park Light and Power Company, with the consent of this Commission by said order dated July 13, 1908.

[Case No. 721]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Joint Petition of GEORGE K. SEYMOUR, HOMER E. WILSON, and GEORGE W. POST, under sections 70 and 68 of the Public Service Commissions Law.

George K. Seymour of the town of Lyonsdale, Lewis county, and Homer E. Wilson and George W. Post of the village of Port Leyden, Lewis county, having on February 1, 1909, filed with this Commission their joint petition, under sections 70 and 68 of the Public Service Commissions Law: (1) by said Seymour under section 70, for consent that said Seymour may transfer to said Wilson and Post existing franchise, works, and system for electric lighting in said village owned by said Seymour, and by which the village and the public are now being furnished with electric light, and that said Seymour may transfer to said Wilson and Post a contract between said Seymour and said village under which the village streets are now being lighted, which said franchise and contract expire May 1, 1909; and (2) by said Wilson and Post under section 68 of the Public Service Commissions Law, for permission to exercise rights and privileges under a franchise dated January 30, 1909, received from said village, authorizing them to erect and maintain poles and wires for conducting, furnishing, and distributing to the public electricity for lighting the said village, the term of which franchise begins May 1, 1909; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on March 3, 1909, *Romeyn Wormuth* appearing for the petitioners, and no one else appearing; and it appearing that said Seymour owns a water power on the Black river and on Cold brook in the village of Port Leyden, and that the electricity so used for lighting is generated by the Black river power, and that a sawmill owned by said Seymour is operated by the Cold brook power; that said properties adjoin; that said Seymour has agreed to sell and transfer to said Wilson and Post all of said property and his franchise and contract with the village for $15,000, payable in a manner set forth in a contract between the parties, a copy of which contract is attached to the petition herein; now upon the aforesaid petition and papers attached thereto, and statements at the hearing, and after due deliberation, it is

Ordered: 1. That under section 70 of the Public Service Commissions Law, this Commission hereby consents that George K. Seymour of the town of Lyonsdale, Lewis county, may transfer to Homer E. Wilson and George W. Post of the village of Port Leyden, Lewis county, existing franchise, works, and system for electric lighting in the village of Port Leyden, Lewis county, and that said Seymour may transfer to said Wilson and Post a contract between said Seymour and said village under which the village streets are now being lighted, which said franchise and contract expire May 1, 1909.

Ordered: 2. That under section 68 of the Public Service Commissions Law, this Commission hereby permits and approves the construction, maintenance, and operation by Homer E. Wilson and George W. Post, in the village of Port Leyden, Lewis county, of poles and wires for conducting, furnishing, and distributing to the public electricity for lighting, and hereby permits and approves the exercise by said Wilson and Post of rights and privileges for such construction, maintenance, and operation conferred on said Wilson and Post by a franchise granted to said Wilson and Post by the president and trustees of the village of Port Leyden, the term of which franchise begins May 1, 1909, a certified copy of which franchise is on file with this Commission.

[Case No. 402]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 9th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the WATERTOWN LIGHT AND POWER COMPANY and the WATERTOWN GAS LIGHT COMPANY under section 70 of the Public Service Commissions Law.

Whereas, On July 13, 1908, application was made to this Commission by the Watertown Light and Power Company and the Watertown Gas Light Company for the approval of the consolidation of said companies and for other relief, upon which application a hearing was held on August 5, 1908, and which application was denied under date of October 21, 1908; and

Whereas, Upon the contention of the counsel for the Watertown companies that the approval of this Commission to the consolidation was not necessary, a rehearing was granted, and held on November 30, 1908; and on January 28, 1909, a resolution was passed by this Commission which affirmed that the consent and approval of this Commission was necessary to such a consolidation, and that the new company not having had such approval had no legal existence; and

Whereas, An application for a rehearing on the merits of the case was asked for, and hearings held on February 2nd and February 11th; now, after careful consideration of the facts and circumstances brought out, and the evidence submitted at such hearings, it is

Ordered: That the consent and authorization of this Commission be and is hereby given to the consolidation of the Watertown Light and Power Company and the Watertown Gas Light Company.

[Case No. 869]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the MALONE LIGHT AND POWER COMPANY for consent to purchase, and of SIDNEY S. WHITTELSEY and ALICE D. WHITTELSEY his wife to sell and transfer to said Malone Light and Power Company, a certain electrical plant and property and franchise in the village of Malone, N. Y.

After due deliberation it is

Ordered: That the consent of this Commission be and it is hereby given that Sidney S. Whittelsey, an individual operating an electric light plant in

the village of Malone under a franchise granted by said village on the 8th day of April, 1907, under such circumstances as constitute him an electrical corporation as that term is defined in section 2 of the Public Service Commissions Law, may sell and transfer to the Malone Light and Power Company, an electrical corporation, the said franchise and the works and system used by him in generating and distributing electric current, as prayed for in the petition of said Whittelsey and said company.

[Case No. 925]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of THE BUFFALO NATURAL GAS FUEL COMPANY and ERIE COUNTY NATURAL GAS FUEL COMPANY (LIMITED), under section 70 of the Public Service Commissions Law.

Whereas, In the matter of the joint application of The Buffalo Natural Gas Fuel Company and the Erie County Natural Gas Fuel Company (Limited), for the consent of this Commission under section 70 of the Public Service Commissions Law, to the lease by the said Erie County Natural Gas Company (Limited), of its plant and property in the city of Buffalo to said The Buffalo Natural Gas Fuel Company, the facts appear to be as follows: That for several years prior to 1896 the said Erie County Natural Gas Fuel Company (Limited) was engaged in piping natural gas through the streets and public places of the city of Buffalo, supplying same to residents of the city pursuant to a franchise held for that purpose; that in or about the year 1896 the field and source of supply from which said company had theretofore obtained its supply of natural gas failed in volume; that thereupon said company became unable to meet the reasonable requirements of its customers or to satisfactorily furnish them with service; that thereupon and on or about June 1, 1897, said company leased its main pipes and other property to The Buffalo Natural Gas Fuel Company for the term of five years; that said lease has from time to time been renewed or extended, and that the last of said renewals or extensions expires on June 1, 1909; and

Whereas, It appears that the applicants herein have mutually agreed to renew and extend the said lease for the further period of three years from June 1, 1909, a copy of the proposed agreement being filed with the petition; and

Whereas, It appears that the said The Buffalo Natural Gas Fuel Company as lessee is using the plant and property aforesaid of the Erie County Natural Gas Fuel Company (Limited), to furnish and supply therewith natural gas to the former consumers and customers of said company; now **therefore it is**

Ordered: That the consent of this Commission be and is hereby given to the lease by the Erie County Natural Gas Fuel Company (Limited) of its mains, pipes, and other property in the city of Buffalo to The Buffalo Natural Gas Fuel Company for the period of three years beginning June 1, 1909.

[Case No. 937]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the WESTCHESTER LIGHTING COMPANY under section 70 of the Public Service Commissions Law.

Whereas, In the matter of the application of Westchester Lighting Company under section 70 of the Public Service Commissions Law, for consent to purchase certain stocks and bonds of the Northern Westchester Lighting Company and of the Peekskill Lighting and Railroad Company, the facts appear to be as follows:

1. That each of said corporations: to wit, the Westchester Lighting Company, the Northern Westchester Lighting Company, and the Peekskill Lighting and Railroad Company, are domestic corporations engaged in the business of furnishing gas and electricity to private and public consumers; that their operations are carried on respectively in contiguous territories, mainly in Westchester county, N. Y.; and that the Peekskill Lighting and Railroad Company is also engaged in the operation of a street surface railroad in the village of Peekskill and vicinity.

2. That the Northern Westchester Lighting Company has issued and outstanding $804,000 capital stock, consisting of 8040 shares of common stock of the par value of $100 each; and issued and outstanding bonded indebtedness consisting of $618,000 par value first consolidated mortgage 5 per cent 50-year gold bonds, secured by mortgage bearing date June 1, 1905; $47,000 par value of underlying 4 per cent 20-year bonds of the Sing Sing Gas Manufacturing Company, secured by its first mortgage dated November 1, 1891; $25,000 par value of underlying 5 per cent 20-year bonds of the Sing Sing Electric Lighting Company, secured by its general mortgage dated February 1, 1896.

3. That the Peekskill Lighting and Railroad Company has issued and outstanding $650,000 capital stock, consisting of 1500 shares of 6 per cent cumulative preferred stock and 5000 shares of common stock, each share of each class of stock of the par value of $100 each; and an issued and outstanding bonded indebtedness consisting of $644,000 par value of first mortgage 5 per cent gold bonds, secured by a mortgage bearing date October 1, 1909.

4. That an offer has been made to the applicant whereby it may now purchase all of the capital stock of the Northern Westchester Lighting Company of the par value of $804,000, and all of the common capital stock of the Peekskill Lighting and Railroad Company of the par value of $500,000, for the sum of $505,000; at least $90,000 par value of the first consolidated mortgage 5 per cent bonds of the Northern Westchester Lighting Company for the sum of $81,000; and $75,000 par value of the $150,000 par value cumulative preferred stock of the Peekskill Lighting and Railroad Company for the sum of $75,000.

5. That applicant proposes to pay for the said stock of Northern Westchester Lighting Company and Peekskill Lighting and Railroad Company in cash, to be realized from the sale of collateral trust bonds in an amount authorized to be issued for said purposes by this Commission, to mature in 10 years from the date thereof, and to bear interest at not to exceed 5 per cent per annum, and to pay for the $90,000 bonds of the Northern West-

chester Lighting Company by borrowing upon its promissory notes secured by the bonds so purchased; and

Whereas, In the opinion of the Commission the Westchester Lighting Company should be permitted to secure control in the manner aforesaid of the Northern Westchester Lighting Company and the Peekskill Lighting and Railroad Company, in that the superior facilities of the plant of one company will thereby become serviceable to the plants of the other companies, that the demands for increased service in the territory supplied by these companies may be better met, and that economies in operation may be effected; now therefore, upon the grounds set forth in the petition and appearing in the evidence herein, it is

Ordered: That the consent of this Commission be and is hereby given to the purchase by the Westchester Lighting Company of all the capital stock of the Northern Westchester Lighting Company, consisting of 8040 shares of common stock of the par value of $100 each, and of all the common capital stock of the Peekskill Lighting and Railroad Company, consisting of 5000 shares of the par value of $100 each, for not to exceed the sum of $505,000; of 750 shares of the par value of $100 each of the 6 per cent cumulative preferred stock of the Peekskill Lighting and Railroad Company for not to exceed the sum of $75,000; of $90,000 par value of the first consolidated mortgage 5 per cent bonds of the Northern Westchester Lighting Company for not to exceed the sum of $81,000.

[Case No. 932]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Joint Petition of the MUTUAL GAS COMPANY (LIMITED) and the EMPIRE GAS AND FUEL COMPANY (LIMITED) under section 70 of the Public Service Commissions Law.

The Mutual Gas Company (Limited) and the Empire Gas and Fuel Company (Limited) having on June 1, 1909, filed with this Commission their joint petition under section 70 of the Public Service Commissions Law, for consent to the transfer to the Empire Gas and Fuel Company (Limited) of all the property, rights, franchises, and privileges of the Mutual Gas Company (Limited); and a public hearing on said petition having been held by this Commission in the city of Rochester on June 10, 1909, *Church & Church* appearing for the petitioners; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: That this Commission consent, and it does hereby consent, pursuant to section 70 of the Public Service Commissions Law, that the Mutual Gas Company (Limited) may sell, transfer, and convey all its property, rights, franchises, and privileges to the Empire Gas and Fuel Company (Limited), and that said Empire Gas and Fuel Company (Limited) may purchase and acquire the said property, rights, franchises, and privileges; said sale to be for the consideration of $222,363.33, plus the amount of the bills payable and accounts payable issued or incurred by the said Mutual Gas Company (Limited) in the ordinary and usual transaction of its business since May 1, 1909; said consideration to be paid as follows: By the said Empire Gas and Fuel Company (Limited) assuming all the indebtedness of said Mutual Gas Company (Limited) as of May 1, 1909, to

the aggregate amount of $97,363.33, all indebtedness incurred since said May 1st by said Mutual Gas Company (Limited), and by executing and delivering to said Mutual Gas Company (Limited) its note or notes to the amount of $125,000, with interest at the rate of 6 per cent per annum, payable on or before January 1, 1910.

[Case No. 1019]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of H. O. KLINCK under section 70 of the Public Service Commissions Law.

After due deliberation it is

Ordered: That the consent of this Commission be and it is hereby given that H. O. Klinck, an individual operating an acetylene light plant in the village of Shortsville, Ontario county, under such circumstances as to constitute him a gas corporation as that term is defined in section 2 of the Public Service Commissions Law, may sell and transfer to F. A. Titus the franchise under which said plant is operated and the works and system used by said H. O. Klinck in manufacturing and distributing acetylene gas, as prayed for in the petition dated July 16, 1909.

[Case No. 1045]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition under section 70 of the Public Service Commissions Law, of the PLATTSBURGH LIGHT, HEAT AND POWER COMPANY and the LOZIER LIGHT AND POWER COMPANY, for consent to consolidate under the name Plattsburgh Gas and Electric Company.

The Plattsburgh Light, Heat and Power Company and the Lozier Light and Power Company having on August 5, 1909, filed with this Commission a joint petition under section 70 of the Public Service Commissions Law for consent to consolidate into a single corporation under the corporate name Plattsburgh Gas and Electric Company, and to transfer respectively all their franchises and property to the said new corporation; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on August 12, 1909, *Weed, Conway & Cotter* by *W. B. Cotter* appearing for the petitioner, and no one else appearing; and it appearing that the applicants herein named are engaged in similar business: to wit, the Plattsburgh Light, Heat and Power Company furnishing gas and elec-

tricity to the public, and the Lozier Light and Power Company furnishing electricity to the public, both in the city of Plattsburgh, Clinton county; and it appearing that the Plattsburgh Light, Heat and Power Company owns all of the capital stock of the Lozier Light and Power Company; and it further appearing that on or about the 12th day of July, 1909, an agreement of consolidation was executed by a majority of the directors of the said Plattsburgh Light, Heat and Power Company and the said Lozier Light and Power Company, a copy of which agreement of consolidation is annexed to the petition of said companies for this consent and marked Exhibit "H," and that the same was approved at meetings of the respective stockholders of said companies duly held; now upon the aforesaid petition and the accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: That under section 70 of the Public Service Commissions Law, this Commission hereby consents that the Plattsburgh Light, Heat and Power Company and the Lozier Light and Power Company may consolidate under the corporate name Plattsburgh Gas and Electric Company, pursuant to the terms of the agreement of consolidation entered into between the said Plattsburgh Light, Heat and Power Company and the Lozier Light and Power Company dated the 12th day of July, 1909, and that the said companies may, pursuant to the said agreement of consolidation, transfer all their franchises and property to the new corporation, the said Plattsburgh Gas and Electric Company, formed by such agreement of consolidation.

[Case No. 1236]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of the FIRST NATIONAL BANK OF WELLSVILLE under section 70 of the Public Service Commissions Law, for approval of transfer of its certain interests in the Angola Gas Company.

The First National Bank of Wellsville, Allegany county, having on August 14, 1909, made application for the consent of this Commission to the sale and transfer to Jennie R. McEwen and Lydia A. Marvin, residing in Wellsville, N. Y., of certain property, works, and system of the Angola Gas Company, Wellsville, Allegany county, constituting the right, title, and interest therein acquired by applicant by chattel mortgage and sale on or about January 30, 1909, all of which property is set forth and fully described in the petition; and it appearing that on or about February 8, 1909, and pursuant to a contract of transfer, a copy of which is filed with the petition, the property aforesaid was sold, assigned, transferred, and conveyed by applicant to said Jennie R. McEwen and Lydia A. Marvin for the sum of $9739.40; now, upon reading the petition and accompanying papers, and after due deliberation, it is

Ordered: That the consent of this Commission be and it is hereby given, under section 70 of the Public Service Commissions Law, to the transfer and sale by the First National Bank of Wellsville, Allegany county, N. Y., of certain property, works, and system of the Angola Gas Company, Wellsville, Allegany county, N. Y., to Jennie R. McEwen and Lydia A. Marvin, for the sum of nine thousand seven hundred thirty-nine dollars and forty cents ($9739.40), said property, works, and system constituting the right, title, and interest in said Angola Gas Company acquired by the First National Bank of Wellsville by chattel mortgage and sale on or about the 30th day of January, 1909.

[Case No. 1266]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the COLONIE ELECTRIC COMPANY and the MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY under section 70 of the Public Service Commissions Law, as to transfer of works and system of the Colonie company.

The Colonie Electric Company and the Municipal Gas Company of the city of Albany having on September 20, 1909, filed with this Commission their joint petition under section 70 of the Public Service Commissions Law, for consent that said Colonie company may transfer to said Municipal Gas Company its franchise, works, and system (but not including its generating station and generating engines) in the town of Colonie, Albany county, for the sum of $2500 cash; and it appearing that said Colonie company is now furnishing electricity to the public in said town which adjoins the city of Albany, and that said Municipal Gas Company is now furnishing electricity to the public in the city of Albany and desires to extend its electric business into said town; and it further appearing that stockholders owning more than two-thirds of the stock of the Colonie company have consented to said transfer; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That this Commission consent, pursuant to section 70 of the Public Service Commissions Law, that the Colonie Electric Company, town of Colonie, Albany county, may sell, transfer, and convey all its property, rights, franchises, and privileges, except its generating station and generating engines, to the Municipal Gas Company of the city of Albany for the sum of $2500 cash, and that said Municipal Gas Company of the city of Albany may purchase and acquire the said property, rights, franchises, and privileges upon the aforesaid terms.

[Case No. 1277]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition under section 70 of the Public Service Commissions Law, of the NASSAU LIGHT AND POWER COMPANY for consent to merge with itself, under section 15 of the Stock Corporation Law, the Nassau Gas, Heat and Power Company, the Floral Park Light and Power Company, and the Oyster Bay Electric Light and Power Company.

The Nassau Light and Power Company having on October 1, 1909, filed with this Commission its petition under section 70 of the Public Service

Commissions Law, for consent to merge with itself, under section 15 of the Stock Corporation Law, the Nassau Gas, Heat and Power Company, the Floral Park Light and Power Company, and the Oyster Bay Electric Light and Power Company; and it appearing that the petitioner is the owner of all of the shares of the capital stock outstanding of said other corporations, which were organized for or are engaged in business similar or incidental to that of this petitioner; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That the consent of this Commission be and hereby is given, under section 70 of the Public Service Commissions Law, that the Nassau Light and Power Company may merge the Nassau Gas, Heat and Power Company, the Floral Park Light and Power Company, and the Oyster Bay Electric Light and Power Company, pursuant to the provisions of section 15 of the Stock Corporation Law.

[Case No. 1290]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the ALBANY SOUTHERN RAILROAD COMPANY and the EAST ALBANY GAS LIGHT COMPANY, under section 70 of the Public Service Commissions Law, as to transfer of works, plant, and property of the East Albany company.

The Albany Southern Railroad Company and the East Albany Gas Light Company having on October 7, 1909, filed with this Commission their joint petition under section 70 of the Public Service Commissions Law for consent that said The East Albany Gas Light Company may transfer all its real estate and plant to the Albany Southern Railroad Company; and it appearing that said railroad company is the owner of the total capital stock of said gas light company; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: That this Commission consent, and it does hereby consent, under section 70 of the Public Service Commissions Law, that The East Albany Gas Light Company may transfer and convey to the Albany Southern Railroad Company all its works, plant, and property, pursuant to the prayer of the joint petition of said companies filed with this Commission.

[Case No. 1275]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 11th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petitions of ARTHUR L. DONALDSON, PATRICK K. MCMANN, SAMUEL W. CHAMBERS, ROYAL S. CHAMBERS, and EDWIN E. CHAMBERS, under section 70 of the Public Service Commissions Law, as to transfer of electric plant at Brushton, Franklin county.

Arthur L. Donaldson, Patrick K. McMann, Samuel W. Chambers, Royal S. Chambers, and Edwin E. Chambers having on September 28, 1909, filed with this Commission their petitions (1) by said Donaldson and McMann for consent to the transfer by them to the Nicholville electric light plant owned by said Chambers of the poles, wires, transformers, and appliances connected with the electric lighting plant at Brushton, Franklin county, including franchise and lighting contract, owned by said Donaldson and McMann, under the name of Brushton Electric Light Company (not incorporated), except the dynamo and certain property in dynamo room; (2) by said Chambers for consent to purchase said property; and it appearing that electric light is not now being furnished in Brushton but will be if this consent be granted; now upon the aforesaid petitions and papers filed, and after due deliberation, it is

Ordered: That the consent of this Commission be and is hereby given under section 70 of the Public Service Commissions Law, to the sale and transfer of the works, system, and franchise owned and operated by Arthur L. Donaldson and Patrick K. McMann in the village of Brushton, Franklin county, under the name of Brushton Electric Light Company, to Samuel W. Chambers, Royal S. Chambers, and Edwin E. Chambers, owners of the Nicholville electric light plant.

[Case No. 604]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and of BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY for the approval by the Commission of a contract between the said companies bearing date the 25th day of November, 1908.

The Niagara, Lockport and Ontario Power Company and Buffalo, Lockport and Rochester Railway Company having heretofore and on or about the 27th day of November, 1908, presented to the Commission their joint verified

petition asking for the approval by the Commission of a contract between said companies bearing date the 25th day of November, 1908, a copy of which contract is attached to and forms a part of said petition; and notice of a hearing upon said application having been duly given to interested parties; and the Niagara, Lockport and Ontario Power Company having appeared by its counsel *Fred D. Corey, esq.*, in support of said application; and the Buffalo, Lockport and Rochester Railway Company having appeared by its counsel *Charles B. Hill, esq.*, also in support of said application; and the Receivers John M. Campbell and Milford W. Childs of said Buffalo, Lockport and Rochester Railway Company having appeared by their counsel *William L. Marcy, esq.*, also in support of said application; and the village of Middleport and Middleport Gas and Electric Light Company having appeared by their counsel *George F. Thompson, esq.*, in opposition thereto; and there being no other parties opposing said application; and hearings having been had thereon and due deliberation given thereto, and it appearing that said application is for the approval of a contract between the Niagara, Lockport and Ontario Power Company and the Buffalo, Lockport and Rochester Railway Company, leasing and granting to said Niagara, Lockport and Ontario Power Company the right and privilege of using the excess capacity of the transmission line of the Buffalo, Lockport and Rochester Railway Company for the purpose of transmitting and selling power to persons, firms, and corporations other than the right and privilege of using the excess capacity of the transmission line it further appearing that the village of Middleport has heretofore refused to grant a franchise to the Buffalo, Lockport and Rochester Railway Company permitting it to construct and operate its said transmission line through said village except for the sole purpose of carrying power with which to operate its railroad, but will and has granted such franchise in consideration of the Niagara, Lockport and Ontario Power Company's agreeing to deliver to the Middleport Gas and Electric Light Company 150 firm horsepower or more on said transmission line in or near the village of Middleport, upon the terms and conditions set forth in a contract therefor dated October 22, 1909, between said Niagara, Lockport and Ontario Power Company and said Middleport Gas and Electric Light Company: the price of power named in said contract having been made in consideration of the granting of said franchise and the withdrawal by the village of Middleport and the Middleport Gas and Electric Light Company of all opposition to the approval of the contract of November 25, 1908, between said Niagara, Lockport and Ontario Power Company and Buffalo, Lockport and Rochester Railway Company, and giving their assent thereto; now on motion of Fred D. Corey, esq., attorney for the Niagara, Lockport and Ontario Power Company, and William L. Marcy, esq., attorney for John M. Campbell and Milford W. Childs as receivers of the Buffalo, Lockport and Rochester Railway Company, it is

Ordered: That said contract dated November 25, 1908, between the Buffalo, Lockport and Rochester Railway Company and Niagara, Lockport and Ontario Power Company be and the same hereby is in all respects sanctioned and approved; and the parties thereto are hereby given the authority and permission to carry out and perform said contract in accordance with the terms and provisions thereof.

[Case No. 1311]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of LYDIA A. MARVIN and JENNIE R. MCEWEN and the NEW ANGOLA GAS COMPANY under sections 70 and 69 of the Public Service Commissions Law.

Lydia A. Marvin and Jennie R. McEwen of Wellsville, N. Y., and the New Angola Gas Company having on November 2, 1909, filed with this Commission their joint petition under sections 70 and 69 of the Public Service Commissions Law: (1) by said individuals under section 70, for consent that they may transfer to said company existing franchise, works, and system of a natural gas plant, the franchise being for supplying gas in the village of Angola, Erie county; and (2) by said company for authority to issue to said individuals $30,000 in common capital stock to pay for said property; and a public hearing on said petition, after due notice, having been held in the city of Buffalo on December 3, 1909, *Fred S. Withey* appearing for the petitioners, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Lydia A. Marvin and Jennie R. McEwen be and they are hereby authorized to sell and transfer to the New Angola Gas Company the property, rights, and franchises formerly owned and operated by the Angola Gas Company, together with all the additions and improvements thereto made by the said Marvin and McEwen since acquiring the same, which property is more particularly described in the petition of said parties dated October 21, 1909, and filed with this Commission November 2, 1909.

Ordered: 2. That the said New Angola Gas Company be and it is hereby authorized to issue and deliver to the said Lydia A. Marvin and Jennie R. McEwen 1000 shares of its common capital stock of the par value of $30,000 in payment for the said property; that in the opinion of the Commission the use of the capital to be secured by the said issue of stock is reasonably required for the said purposes of the corporation.

Ordered: 3. Upon the completion of said transaction said company shall make a verified report to this Commission, setting forth the facts in connection therewith in accordance with the terms of this order, and if said transaction is not completed within six months from the date of this order, said company shall make a verified report to this Commission setting forth the facts in relation thereto.

APPENDIX N

In the Matter of Issue of Stocks, Bonds, and Other Evidences of Indebtedness by Electrical Corporations and Gas Corporations.

APPENDIX N

[Case No. 609]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the SILVER CREEK GAS AND IMPROVEMENT COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $25,000 common capital stock.

The Silver Creek Gas and Improvement Company having filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $25,000 common capital stock, par value $25 a share; and a public hearing on said petition, after due notice, having been held by Commissioners Stevens and Olmsted of this Commission in the city of Buffalo on January 8, 1909, *Frank L. Smith* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 69 of the Public Service Commissions Law, the Silver Creek Gas and Improvement Company is hereby authorized to issue its capital stock to the amount of twenty-five thousand dollars ($25,000) in exchange for all the rights and properties of the Sulphur Springs Gas Company, said stock to be issued for the acquisition of said property only; the use of the capital to be secured by the issue of such stock being in the opinion of the Commission reasonably required for the said purposes of the corporation.

Ordered: 2. That upon the completion of the said transaction said Silver Creek Gas and Improvement Company shall make a verified report to this Commission, setting forth in reasonable detail the facts of such completed transaction.

[Case No. 576]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NEW YORK AND ONTARIO POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $664,741 capital stock and $1,850,000 first mortgage bonds.

The New York and Ontario Power Company having on November 17, 1908, filed with this Commission its petition under section 69 of the Public Service

Commissions Law, for authority to issue $664,741 common capital stock, and $1,850,000 first mortgage bonds of the denomination of $500 each, payable August 1, 1937, and bearing interest at the rate of 5 per cent per annum, to be secured by a first mortgage of said company for $2,000,000 dated August 1, 1907, $150,000 in bonds under which first mortgage are now outstanding; and hearings on said petition having been held by this Commission in the city of Albany on November 30, 1908, and January 12, 1909, *George E. Van Kennen* and *J. Wesley Allison* appearing for the petitioner; and it appearing that the proceeds of the stock and bonds hereinafter authorized to be issued by said company are to be used in the construction and equipment of its plant and for working capital; and this Commission being of the opinion that the entire amount of capital stock asked for in the petition should not be consented to at this time; now upon the aforesaid petition and accompanying papers, and evidence at the hearings, and after due deliberation, it is

Ordered: 1. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the New York and Ontario Power Company to issue $600,000 common capital stock of said company of the par value of $100 a share, the use of the capital to be secured by the issue of said stock being in the opinion of this Commission reasonably required for the said purposes of said corporation.

Ordered: 2. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the New York and Ontario Power Company to issue $1,850,000 first mortgage bonds of said company of the denomination of $500 each, payable August 1, 1937, and bearing interest at the rate of 5 per cent per annum, and to be secured by a first mortgage of said company for $2,000,000 dated August 1, 1907, the use of the capital to be secured by the issue of said bonds being in the opinion of this Commission reasonably required for the said purposes of said corporation.

Ordered: 3. That said stock shall be issued under this authorization for cash only at par value; that in case it is found desirable to issue said stock or any part thereof for property or services, further application shall be made to the Commission for its authorization, upon which application the value of the property or services shall be fully shown.

Ordered: 4. That sales of said stock shall be reported from time to time under oath to this Commission, stating all details of price, purchaser, amount sold, and amount realized in full.

Ordered: 5. That said bonds shall be issued under this authorization for cash only; that they shall not be sold for a price which shall net the corporation, after paying all fees, discounts, and charges whatsoever, less than 81 per cent of their par value and accrued interest if any.

Ordered: 6. That reports under oath shall be made from time to time of all sales of bonds, stating all details fully.

Ordered: 7. That a report under oath shall be made, in any event at the expiration of each period of six months, of what has been done under this authorization.

Ordered: 8. That the proceeds of said stock and bonds shall be used for the following purposes only: to wit, for the construction of the hydro-electric plant at Waddington, N. Y., as the same is set forth and described in the petition and evidence in this proceeding, equipping the same, and for working capital to be used in the operation thereof. If the proceeds of said stock and bonds are more than sufficient for said purposes, the excess shall not be used for any purpose until further order.

Ordered: 9. That detailed reports under oath, showing the progress of the said work, contracts entered into, moneys expended, and other material details, be made by said corporation at the expiration of each period of six months until the completion of said work, said details to cover a hydraulic development; foundations and substructures, hydraulic equipment; buildings and substructures, electric equipment; bridges and roadways; miscellaneous construction; transmission lines; expense buying, inspecting, testing; and upon

completion of the work, contractor's profit, engineering contingencies, general administration cost, interest during construction, working capital, the preliminary expenses, and the mortgage tax.

[Case No. 485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the PHILMONT LIGHTING AND POWER COMPANY of Philmont, N. Y., under section 69 of the Public Service Commissions Law for consent to execute a first mortgage for $7000 and issue bonds to the amount of $7000.

After due deliberation it is

Ordered: That the application of the Philmont Lighting and Power Company of Philmont, N. Y., under section 69 of the Public Service Commissions Law for consent to execute a first mortgage for $7000 and issue bonds to the amount of $7000, be closed on the records of this Commission, agreeable to request from the president of applicant company.

[Case No. 543]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the WILLIAMSVILLE ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $1800 common capital stock, par value $10 a share.

After due deliberation it is

Ordered: That this petition be and it is hereby denied on the ground that no steps have as yet been taken by the petitioner, the Williamsville Electric Light and Power Company, to comply with the terms of the order of this Commission of August 12, 1908; that when the terms of the said order of August 12, 1908, are complied with, leave to renew this petition shall be given to the petitioner herein.

[Case No. 642]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the DELAWARE AND OTSEGO LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue capital stock and bonds.

The Delaware and Otsego Light and Power Company having on December 16, 1908, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $30,000 common capital stock, par value $100 a share, and for authority to issue $15,000 in bonds of the denominations of $100 and $500, to bear 5 per cent annual interest and to be secured by a first mortgage heretofore executed by said company; and a public hearing on said petition having been held by this Commission in the city of Albany on March 15, 1909, *E. A. Mackey* appearing for the petitioner; and it appearing at the hearing that the company desires now to issue but $15,000 in capital stock instead of $30,000; and it appearing that the proceeds of said capital stock and bonds are to be used for the discharge of lawful obligations of said company, the acquisition by it of property, and the extension and improvement of its plant and distributing system, as set forth in the papers on file and evidence at the hearing; now upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Delaware and Otsego Light and Power Company to issue $15,000 common capital stock of said company of the par value of $100 a share, the use of the capital to be secured by the issue of said capital stock being in the opinion of this Commission reasonably required for the said purposes of the said corporation.

Ordered: 2. That said $15,000 common capital stock shall be issued only for cash at the par value thereof.

Ordered: 3. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Delaware and Otsego Light and Power Company to issue $15,000 in mortgage bonds of the denominations of $100 and $500, to bear interest at the rate of 5 per cent per annum, and to be secured by a first mortgage for $35,000 heretofore executed by said company.

Ordered: 4. That said $15,000 in mortgage bonds authorized to be issued by this order shall not be sold at less than 90 per cent of their par value.

Ordered: 5. That the proceeds of said $15,000 in common capital stock and said $15,000 in mortgage bonds authorized by this order to be issued shall be devoted to and used by said company for the discharge of its lawful obligations, the acquisition of property, and the extension and improvement of its plant and distributing system, as set forth in the evidence at the hearing in this matter and in papers on file in this matter.

Ordered: 6. That the Delaware and Otsego Light and Power Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $15,000 common capital stock authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of

said stock; (*b*) upon the sale of said $15,000 in mortgage bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of the par value of said bonds; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said common capital stock and said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said stock and said bonds have been expended, pursuant to the provisions of this order.

[Case No. 668]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NASSAU LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $80,000 additional bonds under a mortgage heretofore authorized by this Commission.

The Nassau Light and Power Company having on January 4, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $80,000 in 5 per cent mortgage bonds due in 1927, and to be secured by a mortgage for $1,000,000 heretofore authorized by this Commission; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on January 22, 1908, *Henry A. Uterhart* appearing for the petitioner, and no one else appearing; and it appearing that the proceeds of said bonds are to be used for the discharge of a certain demand note of the company the proceeds of which were used in making improvements to the company's plant and system, and the acquisition of property, which are the proper subjects of capitalization, and in the further acquisition of property and the construction, extension, and improvement of the company's plant and distributing system; now upon the aforesaid petition and accompanying papers, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Nassau Light and Power Company be and it hereby is authorized, pursuant to section 69 of the Public Service Commissions Law, to issue its first mortgage bonds secured by its mortgage or deed of trust to the Metropolitan Trust Company dated February 7, 1908, to the amount par value of $80,000, or so much thereof as will produce the sum of $72,000, said bonds to be sold at not less than 90 per cent of their par value.

Ordered: 2. That the proceeds of said bonds shall be devoted to and used by said company for the following purposes, and no other: to wit, (*a*) to discharge a certain demand note of said company for the sum of $45,200, the proceeds of which note were used in making certain improvements to its plant and system, and the acquisition of property, which are the proper subjects of capitalization; (*b*) in the acquisition of property and in the construction, completion, extension, and improvement of its plant and distributing system, the remainder of the proceeds of said bonds, to wit, the sum of $26,800, the property to be acquired and the improvements to be con-

structed being those set out in schedule C ½ introduced in evidence on the hearing upon the application for authority to issue said bonds; in the opinion of this Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 3. That the said company be and it is hereby authorized to use the sum of $36,290.17, part proceeds of certain bonds issued pursuant to an order of this Commission dated November 13, 1907, authorizing the same, now on hand and unexpended, for the completion of the work set forth in said schedule C ½, instead of for the purposes set forth in said order of November 13, 1907.

Ordered: 4. That the Nassau Light and Power Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $80,000 in mortgage bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of the par value of said bonds; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $80,000 in mortgage bonds, and the disposition and use made of said sum of $36,290.17, setting forth in reasonable detail the purposes to which the proceeds of said $80,000 in bonds and said sum of $36,290.17 have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said $80,000 in bonds and all of said sum of $36,290.17 have been expended, pursuant to the terms of this order.

[Case No. 808]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 2nd day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the PATCHOGUE ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law, for authority to issue common capital stock to the amount par value of $30,000.

The Patchogue Electric Light Company having on March 26, 1909, made application to this Commission, by verified petition, for authority, pursuant to section 69 of the Public Service Commissions Law, to issue capital stock in the amount par value of $30,000; and a hearing on said petition having been held by this Commission at its office in the Capitol, Albany, on said date, *Joseph T. Losee, esq.*, and others appearing for the applicant, and no one in opposition; and the applicant subsequently having filed an amended petition; and it appearing that at a meeting of the stockholders of the applicant held January 21, 1909, the required consent of said stockholders was given to an increase in the capital stock of the applicant from $40,000, consisting of 800 shares of the par value of $50 each, to $70,000, to consist of 1400 shares of the par value of $50 each; and it further appearing that the proceeds of said additional capital stock of the par value of $30,000 are to be used (1) for the discharge and lawful refunding of the obligations of applicant, amounting to $24,200 and represented by notes of applicant, the proceeds of which were used in the extension and improvement of applicant's plant and distributing system; (2) for working capital, the sum of $1000; (3) for extensions and improvements to the company's plant and dis-

tributing system proposed to be made as set forth and described in schedule E attached to the petition; and in the opinion of this Commission the use of the capital to be secured by the issue by this applicant of the said $30,000 additional capital stock, hereinafter authorized, is reasonably required for the aforesaid purposes of said corporation; now upon said petitions and accompanying papers, and the evidence taken at the hearing, and after due deliberation, it is

Ordered: 1. That pursuant to section 69 of the Public Service Commissions Law this Commission hereby authorizes the Patchogue Electric Light Company to issue common capital stock to the amount par value of $30,000, to consist of 600 shares of stock of the par value of $50 each, said shares of stock and each of them to be sold at not less than the par value thereof.

Ordered: 2. That the proceeds of said $30,000 shall be devoted to and used by said applicant for the following purposes and no other: to wit, (*a*) for the discharge and lawful refunding of obligations of said applicant amounting to $24,200, represented by notes as set forth and described in detail in the petition and amended petition; (*b*) for working capital to the amount of $1000; (*c*) for extensions and improvements to said applicant's plant and distributing system proposed to be made as set forth and described in schedule E attached to the petition, and therein estimated to cost $6263.

Ordered: 3. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of such capital stock have been expended, pursuant to the terms of this order.

[Case No. 402]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Joint Petition of the WATERTOWN LIGHT AND POWER COMPANY and WATERTOWN GAS LIGHT COMPANY under sections 69 and 70 of the Public Service Commissions Law.

Whereas, On July 13, 1908, application was made to this Commission by the Watertown Light and Power Company and Watertown Gas Light Company for the approval of the consolidation of the said companies and for the authorization of a bond and stock issue by such consolidated company and for other relief, upon which application a hearing was held on August 5, 1908, and which application was denied under date of October 21, 1908; and

Whereas, Upon a rehearing of said application duly granted and held on February 2 and February 11, 1909, said application, so far as it related to the consent to a consolidation or merger of the said companies, and to the authorization of the issuance of stock and bonds of the consolidated company to the amount of the authorized issues of the constituent companies, such

bonds to be secured by a consolidated mortgage upon its properties, was again presented and heard upon the merits; and

Whereas, On March 9, 1909, the Commission granted an order providing "that the consent and authorization of this Commission be and is hereby given to the consolidation of the Watertown Light and Power Company and Watertown Gas Light Company"; and

Whereas, The authorized capital stock of the Watertown Gas Light Company was of the par value of five hundred thousand dollars ($500,000), of which the issuance of stock of the par value of one hundred and fifty-two thousand five hundred dollars ($152,500) has been duly authorized; and said company has been duly authorized to issue 5 per cent 50-year bonds to the amount of four hundred and fifty-seven thousand five hundred dollars ($457,500), a part of a total issue of seven hundred and fifty thousand dollars ($750,000) to be secured by a first mortgage upon the plant, property, and franchises of said company to said amount; and

Whereas, The authorized capital stock of the said Watertown Light and Power Company was of the par value of one million dollars ($1,000,000), of which the issuance of stock of the par value of three hundred and two thousand five hundred dollars ($302,500) has heretofore been duly authorized, and said company has heretofore been duly authorized to issue its 5 per cent 50-year first mortgage bonds to the amount of seven hundred thousand dollars ($700,000), a part of a total issue of one million dollars ($1,000,000) secured by a first mortgage upon the property, rights, and franchises of said Watertown Light and Power Company to that amount; now upon such application, and after full and careful consideration of the facts and circumstances brought out by the evidence submitted at such hearings, it is

Ordered: 1. That the said consolidated company, designated as the Watertown Light and Power Company, Consolidated, be and it hereby is authorized to issue of its total authorized capital stock amounting to one million five hundred thousand dollars ($1,500,000), capital stock of the par value of four hundred and fifty-five thousand dollars ($455,000), divided into shares of the par value of $100 each, in lieu of the capital stock of the said Watertown Gas Light Company and said Watertown Light and Power Company, the issuance of which to said aggregate amount has heretofore been duly authorized as aforesaid. And it is hereby further

Ordered: 2. That said consolidated company be and it hereby is authorized to execute and issue its 5 per cent 50-year bonds to the aggregate amount at par of one million one hundred and fifty-seven thousand five hundred dollars ($1,157,500), to be issued in denominations of $1000 and $500 each, and to bear date and carry interest from the 1st day of January, 1909, and to be secured by a consolidated mortgage upon the plants, properties, rights, and franchises of said company, securing said bonds as well as further issues, when authorized, to the aggregate amount of two million dollars ($2,000,000), the execution of said mortgage being hereby authorized. And it is hereby further

Ordered: 3. That said bonds to said amount of one million one hundred and fifty-seven thousand five hundred dollars ($1,157,500) shall be issued in lieu of or for the purpose of retiring the bonds of the said Watertown Gas Light Company and said Watertown Light and Power Company, the issuance of which to said aggregate amount has heretofore been duly authorized as aforesaid; in the opinion of this Commission the use of the capital to be secured by the issue of capital stock and mortgage and mortgage bonds authorized by this order being reasonably required for the said purposes of the corporation, to wit, the lawful refunding of the obligations of its said constituent companies.

Ordered: 4. That the proceeds of said bonds to be issued by said Watertown Light and Power Company, Consolidated, shall be devoted to and used solely for the lawful refunding of the bonds of its constituent companies as provided in this order; and that said Watertown Light and Power Company,

Consolidated, upon the completion of said refunding shall make a verified report to this Commission, setting forth the facts in relation thereto and that the bonds of the Watertown Gas Light Company and the bonds of the Watertown Light and Power Company thus refunded have been canceled and that the mortgages securing said bonds have been satisfied of record. That the stock herein authorized to be issued shall be devoted exclusively to retiring the stock of the constituent companies, and that like report shall be made when such retirement is complete.

[Case No. 866]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the CLIFF ELECTRICAL DISTRIBUTING COMPANY under section 69 of the Public Service Commissions Law, for authority to issue capital stock.

On the petition of the Cliff Electrical Distributing Company under section 69 of the Public Service Commissions Law, for authority to issue, at par, five shares of its capital stock of the par value of $100 a share; and after due deliberation it is

Ordered: That the Cliff Electrical Distributing Company be and the same hereby is authorized to issue five shares of its capital stock of the par value of $100 per share, at par, the use of the capital to be secured by the issue of said stock being in the opinion of the Commission reasonably required for the purposes of the acquisition of property and the construction of its plant and distributing system.

[Case No. 440]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the NEWBURGH LIGHT, HEAT AND POWER COMPANY for leave to issue its convertible debenture bonds in the aggregate amount of $350,000.

Supplemental order.

Whereas, The order of this Commission entered the 7th day of October, 1908, in the matter of the application of Newburgh Light, Heat and Power Company for leave to issue its convertible debenture bonds in the aggregate amount of $350,000 (Case 440), amending and modifying the order of this

Commission entered in the same matter on the 29th day of April, 1908 (Case 282) provides as follows: to wit, "*Ordered:* . . . 2. That the proceeds of said three hundred thirty debenture bonds shall be devoted to and used by the applicant, the Newburgh Light, Heat and Power Company, for its corporate purposes, as follows, and no other, namely: . . . to the construction of lines to supply current to the Ashokan Aqueduct contractors, eighteen thousand dollars ($18,000), on the condition however that eighteen of said debenture bonds shall be set aside and reserved for such construction, and shall not be sold or the proceeds used therefor until the routes of said lines have been definitely located and proof thereof filed with this Commission for approval of construction"; and

Whereas, Said Newburgh Light, Heat and Power Company, by T. R. Beal, secretary, in communications dated May 10 and April 28, 1909, has made application for consent to issue the $18,000 debenture bonds aforesaid, and in connection therewith has made proof of the routes of the transmission lines aforesaid by filing a blue-print entitled "Map of Transmission Line System, Newburgh Light, Heat and Power Company," dated April 22, 1909, and has also filed a statement verified the 10th day of May, 1909, showing the estimated cost of construction; and

Whereas, In the opinion of the Commission the use of the capital to be secured by the issue of $18,000 debenture bonds is reasonably required for the aforesaid purposes; now therefore it is

Ordered: That the consent of this Commission be and is hereby given to the issue by Newburgh Light, Heat and Power Company of the $18,000 debenture bonds set aside and reserved pursuant to the order of this Commission dated October 7, 1908, the proceeds of which shall be used in the construction of electrical transmission lines to supply current to the Ashokan Aqueduct contractors, in conformity with the conditions imposed in said order of this Commission, and in the original order dated April 29, 1908; and upon the further condition that any excess in the proceeds of the aforesaid issue of debenture bonds which may remain unexpended after the completion of the construction of said transmission lines shall be held to be applied to the cost of the extensions and improvements provided for in the orders hereinabove referred to, and in such manner as the Commission shall hereafter approve.

[Case No. 895]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the AMITYVILLE ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage and to issue mortgage bonds.

The Amityville Electric Light Company having on May 11, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to execute and deliver a mortgage for $20,000, and to issue $20,000 in bonds to be secured by said mortgage; and a hearing on said petition having been held by Chairman Stevens of this Commission in the city of Albany on said date, *Samuel P. Hildreth* appearing for the petitioner; and it appearing that the proceeds of said bonds are to be used for

refunding outstanding bonds of the petitioner, payment of unsecured indebtedness incurred in the extension and improvement of petitioner's plant, and in part payment of an additional dynamo and engine; now upon the aforesaid petition, evidence at the hearing, and affidavit of Solomon Ketcham verified May 12, 1909, it is

Ordered: 1. That under section 69 of the Public Service Commissions Law, this Commission hereby authorizes the Amityville Electric Light Company to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds to the amount of $20,000, and this Commission under said section of the Public Service Commissions Law hereby authorizes said company to issue its bonds upon the security of said mortgage, maturing in ten years and bearing interest at a rate not exceeding 6 per cent payable annually or semiannually as it may elect, in such denominations as it may elect, to the amount of $20,000 par value; that said bonds be sold at not less than par, and the proceeds be used for the following purposes and no other: $15,000 to refund its bonds now outstanding to that amount and maturing June 1, 1909; $3000 for the payment of its unsecured indebtedness evidenced by a note held by the Bank of Amityville to that amount, said indebtedness having been incurred in the extension and improvement of its plant; $2000 in part payment of an additional dynamo and engine; in the opinion of the Commission the use of the capital to be secured by the issue of said bonds being reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $20,000 in bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said bonds; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order.

[Case No. 659]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition and Amended Petition of THE DANSVILLE GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law.

Whereas, In the matter of the application of The Dansville Gas and Electric Company, made by petition and amended petition, verified respectively December 28, 1908, and May 15, 1909, for the consent of this Commission, under section 69 of the Public Service Commissions Law, to execute a first refunding mortgage securing the issue of 5 per cent 30-year gold bonds in the amount of $125,000, each of the denomination of $500; to set aside and reserve $75,000 of said bonds to be used for the sole purpose of refunding a like amount of first mortgage 5 per cent gold bonds now outstanding; to issue $20,000 par value of said bonds the proceeds of which are to be

applied in the discharge of applicant's obligations, in the payment of the cost of extensions and improvements to applicant's plant and property, and to provide a fund for working capital; and

Whereas, In the opinion of the Commission the capital to be thus secured is reasonably required for the aforesaid purposes of the applicant; now therefore it is

Ordered: 1. That the consent and approval of this Commission be and is hereby given The Dansville Gas and Electric Company: (1) to execute a first refunding mortgage securing the issue of gold bonds in the amount of $125,000, each of the denomination of $500, to bear interest at not to exceed the rate of 5 per cent per annum and to mature 30 years from the date of execution of said mortgage; (2) to set aside in the hands of the trustee of said mortgage and reserve under appropriate restrictions in the matter of their certification and issue, $75,000 of said bonds, to be utilized for the redemption of a like amount of bonds issued and now outstanding, and for no other purpose; (3) to issue and sell at not less than 85 per cent of their par value $20,000 of said bonds, the proceeds from the sale of which shall be used for the following purposes and no other: to wit, (*a*) the proceeds of $9000 par value of said bonds to be used for the purpose of discharging applicant's bills payable, amounting to $7750; (*b*) the proceeds of $9000 par value of said bonds to be applied in payment of the cost of new extensions and improvements to its plant and property, estimated to cost $7560; (*c*) the proceeds of $2000 par value of said bonds for the purpose of providing a fund for working capital.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the setting aside of said $75,000 in bonds, the facts in connection therewith, and upon the refunding therewith of a like amount of first mortgage 5 per cent gold bonds of said company now outstanding, or any of said outstanding bonds, the facts in connection with such refunding; (*b*) upon the sale of said $20,000 in bonds or any part thereof, the terms and conditions of sale and the amounts realized therefrom which shall not be less than 85 per cent of the par value of said bonds; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said $20,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said $20,000 in bonds have been expended, pursuant to the terms of this order.

[Case No. 800]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the OSWEGO COUNTY LIGHT AND POWER COMPANY for consent to increase its capital stock and for authorization to issue stock and bonds.

The Oswego County Light and Power Company having on March 20, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue capital stock and a mortgage and mortgage bonds; and public hearings on said petition, after due notice, having been held by this Commission in the city of Albany on April 7th

and April 21st, *Gannon, Spencer & Michell* appearing for the petitioner, *Irving D. Vann* appearing generally for the Oswelewgois Club, *Milo R. Acker* appearing for the State Water Supply Commission; now upon the aforesaid petition and papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the consent of this Commission be and it is hereby given that the Oswego County Light and Power Company may increase its authorized capital stock from the sum of $100,000, as specified in its articles of incorporation, to the sum of $1,000,000.

Ordered: 2. That the said Oswego County Light and Power Company be and it is hereby authorized to execute a mortgage upon all of its property, rights, and franchises, in such sum as it may elect, not exceeding $4,000,000, to secure its fifty-year 5 per cent bonds, as the same may be hereafter authorized either upon this or subsequent applications therefor.

Ordered: 3. That the said Oswego County Light and Power Company be and it is hereby authorized to issue its coupon bonds maturing in fifty years, bearing 5 per cent interest, payable semiannually, to the aggregate amount par value of $2,353,000, the said bonds to be sold or disposed of at not less than 85 per cent of the par value thereof.

Ordered: 4. That the said corporation be and it is hereby authorized to issue at this time its capital stock to the amount of $750,000.

Ordered: 5. That the proceeds of said stock be used for the purchase of certain lands, water rights, and other privileges from C. A. Lux, as described and set forth in an agreement with said Lux filed with this Commission upon the application for this order, and no other purposes; that the proceeds of said bonds be used for the construction of dams in connection with its plant, the improvement of its real estate and water power, the construction of its necessary power plant, and for the construction of its transmission line from its power plant at or near Salmon Falls to the city of Syracuse, and for such purposes as may be necessary in connection with the construction of said dam, power plant, and transmission line, including the machinery in said power plant and the installation of the same, and for the necessary working capital in connection with the operation of the said plant.

Ordered: 6. That before the execution and delivery of the said mortgage and bonds the said corporation submit to this Commission for its approval, the form of the same, and that no mortgage or bonds be issued until the form thereof be approved and ratified by this Commission.

Ordered: 7. That the said Oswego County Light and Power Company shall make verified reports to this Commission as follows: (*a*) upon the said purchase of certain lands, water rights, and other privileges from said C. A. Lux, in accordance with the terms of this order, the facts in reasonable detail in relation to such transaction; (*b*) upon the sale of said bonds or any of them in accordance with the terms of this order, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds have been expended, pursuant to the terms of this order.

Ordered: 8. That in case the proceeds of said stock and bonds shall prove to be more than sufficient for the purposes aforesaid, such excess or surplus not required for said purposes shall not be expended by the said Oswego County Light and Power Company until the further authorization of this Commission; that in the opinion of this Commission the capital to be secured by the issue of said stock and bonds is reasonably required for the aforesaid purposes of the corporation.

Ordered: 9. That the permission and approval of this Commission is hereby given that the said Oswego County Light and Power Company may

begin construction of its works, plant, and transmission system; that before it shall exercise any franchises required either in the construction of its plant or in the operation thereof, it shall obtain the permission and approval of this Commission for the exercise of such franchises.

[Case No. 937]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the WESTCHESTER LIGHTING COMPANY under section 69 of the Public Service Commissions Law.

Whereas, Application is made by the Westchester Lighting Company under section 69 of the Public Service Commissions Law, for consent to issue collateral trust bonds to mature 10 years after the date thereof, and to bear interest at not to exceed the rate of 5 per cent per annum, in an amount par value sufficient to purchase with the proceeds realized from the sale of said bonds all of the capital stock of the Northern Westchester Lighting Company, amounting to $804,000 par value, consisting of 8040 shares of the par value of $100 each; and all the common capital stock of the Peekskill Lighting and Railroad Company, in the amount of $500,000 par value, consisting of 5000 shares of the par value of $100 each; and one-half of the 6 per cent cumulative preferred stock of the Peekskill Lighting and Railroad Company, amounting to $150,000 par value, consisting of 1500 shares of the par value of $100 each; and

Whereas, It appears that the entire capital stock of the Northern Westchester Lighting Company and the entire common capital stock of the Peekskill Lighting and Railroad Company may now, by reason of negotiations conducted to that end, be purchased for the sum of $505,000, and $75,000 par value of the 6 per cent cumulative preferred stock of the Peekskill Lighting and Railroad Company may now be purchased at the par value thereof, the total amount of the expenditures thereby resulting appearing to be $580,000; and

Whereas, In the opinion of the Commission the capital to be secured by the issue of said collateral trust bonds in the amount hereinafter allowed is reasonably required for the aforesaid purposes of applicant; now therefore it is

Ordered: That the consent of this Commission be and is hereby given to the issue by said Westchester Lighting Company of collateral trust bonds in the par value of $580,000, to mature in 10 years from their date and to bear interest at not to exceed the rate of 5 per cent per annum, on the condition however that said collateral trust bonds, and each of them, shall not be sold at less than the par value thereof, and that said bonds or the proceeds arising from the sale thereof shall be used for the following purposes and none other: to wit, (1) the proceeds of $505,000 par value of said collateral bonds shall be used in purchasing all of the capital stock of the Northern Westchester Lighting Company of the par value of $804,000, consisting of 8040 shares of the par value of $100 each, and all of the common capital stock of the Peekskill Lighting and Railroad Company, amounting to $500,000 par value, consisting of 5000 shares of the par value of $100 each; (2) that the proceeds from the sale of $75,000 par value of said collateral trust bonds shall be used

to purchase 750 shares of the 6 per cent cumulative preferred stock of the Peekskill Lighting and Railroad Company; and it is further

Ordered: That said Westchester Lighting Company be and is hereby required to file within 60 days after the service of the order herein a verified report, showing in detail the use and application made by it of the moneys realized from the sale of the aforesaid collateral trust bonds or any part thereof.

[*See* Case No. 937, page 672.]

[Case No. 968]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the MALONE LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage and to issue mortgage bonds.

The Malone Light and Power Company having on June 18, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $40,000 and to issue an equal amount in bonds to be secured by said mortgage; and it appearing that the proceeds of said bonds are to be used for purposes hereinafter stated; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: 1. That under section 69 of the Public Service Commissions Law, the Malone Light and Power Company be and it is hereby authorized to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds to the amount of $40,000; and this Commission under said section of the Public Service Commissions Law hereby authorizes said company to issue upon the security of said mortgage eighty bonds of the denomination of $500 each, bearing interest at a rate not exceeding 6 per cent, payable semiannually, $2000 of said bonds to be due and payable on the 1st day of July, 1910, and $2000 in each and every year thereafter until the whole principal sum shall be paid, together with interest; that said bonds be sold at not less than par and the proceeds be used for the following purposes and no other: to wit, $15,000 to refund its bonds now outstanding in that amount issued under a mortgage dated July 1, 1899; $22,000 to pay and retire mortgage liens now existing upon property heretofore purchased with the consent of this Commission from S. S. Whittelsey and Alice S. Whittelsey his wife; $3000 in part payment of bills payable used in the acquisition of said property outstanding in the amount of $12,000; in the opinion of the Commission the use of the capital to be secured by the issue of said bonds being reasonably required for the aforesaid purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $40,000 in bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said bonds; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order.

[Case No. 111]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the NIAGARA FALLS LIGHTING COMPANY under section 69 of the Public Service Commissions Law, as to issuing capital stock, a first mortgage, and mortgage bonds.

The Niagara Falls Lighting Company having filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $100,000 capital stock, a first mortgage for $500,000, and $300,000 in bonds to be secured by said mortgage; and due hearing thereon having been given by this Commission, *Robert H. Gittins* and *Parker, Hatch and Sheehan* appearing for said petitioner, and *Cohn and Chormann, Dempsey, Tuttle and Rice,* and *Kenefick, Cooke and Mitchell* appearing in opposition; now upon the aforesaid petition, papers filed, and evidence at the hearings, and after due deliberation, it is

Ordered: That said petition be and it is hereby denied.

[Case No. 961]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the THOUSAND ISLAND ELECTRIC LIGHT AND POWER COMPANY (LIMITED) under section 69 of the Public Service Commissions Law.

The Thousand Island Electric Light and Power Company (Limited) having on June 16, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $20,000 upon its property and franchises, and to issue an equal amount in bonds to be secured by said mortgage; and a public hearing on said petition having been held by this Commission in the city of Albany on June 24, 1909, *George E. Morse* appearing for the petitioner; now upon the aforesaid petition, affidavit of Charles A. Ellis and others, and statements at the hearing, and after due deliberation, it is

Ordered: 1. That under section 69 of the Public Service Commissions Law, the Thousand Island Electric Light and Power Company (Limited) be and it is hereby authorized to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds to the amount of $20,000; that it be and hereby is authorized to issue upon the security of said mortgage and in such denominations as it may elect bonds to the amount of $20,000 par value, bearing interest at a rate not

to exceed 5 per cent per annum, payable annually or semiannually as it may elect, and maturing as follows: $1000 Jan. 1, 1911; $1000 Jan. 1, 1912; $1000 Jan. 1, 1913; $1500 Jan. 1, 1914; $1500 Jan. 1, 1915; $1500 Jan. 1, 1916; $1500 Jan. 1, 1917; $1500 Jan. 1, 1918; $1500 Jan. 1, 1919; $2000 Jan. 1, 1920; $2000 Jan. 1, 1921; $2000 Jan. 1, 1922; $2000 Jan. 1, 1923; that said bonds be sold at not less than par, and the proceeds shall be used for the following purposes and no other: $10,500 for two 185 hp. vertical engines; $3480 for one 300 hp. gas producing plant; $4700 for two 95 or 100 kw. 3-phase 2300 volt alternating current revolving field generators, complete with base, shaft, bearings, etc.; and the remainder in part payment for the building of a power house, coal sheds, foundation for engine, dynamo, and gas producing plant, estimated to cost $3000, and for labor and incidentals, estimated to cost $500; in the opinion of the Commission the use of the capital to be secured by the issue of said bonds being reasonably required for the said purposes of said corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $20,000 in bonds or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said bonds; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order.

[Case No. 779]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the SYRACUSE LIGHTING COMPANY under section 69 of the Public Service Commissions Law, to execute a first extension and improvement mortgage for $2,500,000, and for authority to issue $207,000 par value of bonds thereunder.

Whereas, The Syracuse Lighting Company has applied to this Commission for permission to execute and deliver to Bankers Trust Company of the city of New York, trustee, its first extension and improvement mortgage to secure a series of 2500 6 per cent gold bonds of the denomination of $1000 each, maturing on the 1st day of March, 1919, and for the approval of this Commission of the form of said mortgage; and

Whereas, The petitioner has applied further for permission to issue at this time $207,000 of the par value of said bonds for the purpose of extending its mains, pole lines, etc., as set forth in the schedule incorporated in the affidavit of James C. DeLong, sworn to on the 27th day of February, 1909, and attached to said petition; and

Whereas, In the hearings held upon said application it was shown by the testimony of the petitioner that it had on hand on the 31st day of December, 1908, the sum of $70,388.08 applicable to future additions and betterments, which said amount was a part of the proceeds of a certain debenture for $1,000,000 issued by the petitioner on the 27th day of May, 1907, which

said amount had not been expended for capital purposes on the 31st day of December, 1908, and should now be applicable for the purposes set forth in the schedule attached to the affidavit of James C. DeLong above referred to; and

Whereas, It was further shown on the hearings herein by testimony at that time adduced, and by the report of the experts of this Commission filed as a part of the evidence in this case, that a material portion of the proceeds of said issue of debenture bonds for $1,000,000, made on the 27th day of May, 1907, has been used for purposes other than those which are properly capital expenditures allowable by this Commission under section 69 of the Public Service Commissions Law; and

Whereas, The petitioner has in connection with this application filed with this Commission its stipulation dated July 12, 1909, agreeing to debit its Profit and Loss Account, as of July 31, 1909, with the sum of $200,000; and to concurrently credit, as of the same date, Fixed Capital Account, December 31, 1908, $150,000, and Accrued Amortization of Capital, $50,000; it is

Ordered: 1. That permission be and hereby is given to the petitioner to make and execute its mortgage or deed of trust, to be dated March 1, 1909, covering all the property, rights, privileges, and franchises of the petitioner, to secure an issue of 2500 6 per cent ten-year gold bonds of the denomination of $1000 each, bearing interest from March 1, 1909, payable on the 1st day of September and March of each year, which mortgage and bonds shall be called extension and improvement mortgage (or bonds as the case may be), omitting the word "First" as tending to be misleading; and that the form of said mortgage submitted by the petitioner and attached to the petition marked "Exhibit A" be and hereby is approved, but with the amendments hereinbefore set forth as to the name by which said bonds shall be called, and also by amending page 18 in the form submitted by petitioner so as to substitute for the figures $207,000 in clause 1 the figures $143,000, and for the figures $2,293,000 in clause 2 the figures $2,357,000.

Ordered: 2. That the permission of this Commission be and hereby is given to the petitioner to issue and sell at a price not less than 95 per cent of the par value thereof, $143,000 par value of said bonds, the proceeds thereof to be used for the purposes, and none other, set forth in the petition herein, and particularly itemized in the schedule incorporated in the affidavit of James C. DeLong, sworn to on the 27th day of February, 1909, and attached to the said petition, with the exception of the item of $500 for a cement walk named therein; it being the intention of this order that the sum of $70,388.08, on hand on the 31st day of December, 1908, be used in part for the purposes set forth and itemized in the said affidavit of James C. DeLong, which said sum of $70,388.08 is to be accounted for in the reports to be made by the petitioner as hereinafter provided; the use of the capital to be secured by the making of said mortgage, and the issuance of said $143,000 par value of said bonds thereunder, being in the opinion of this Commission reasonably required for the aforesaid purposes of the corporation.

Ordered: 3. That said company shall make verified reports to this Commission as follows: (*a*) upon the sale of said $143,000 in bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value; (*b*) at the termination of each period of six months from the date of this order, the disposition and use made of the proceeds of said $143,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such reports shall be made until all the proceeds of said $143,000 in bonds have been expended, pursuant to the terms of this order; and that said reports shall include in reasonable detail the disposition and use made of said amount of $70,388.08, in accordance with the terms of this order.

[Case No. 848]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NEWARK GAS LIGHT AND FUEL COMPANY under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage.

The Newark Gas Light and Fuel Company having on April 21, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $300,000 and to issue now $60,000 in bonds to be secured by said mortgage; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on May 12th, *King, Waters & Page* appearing for the petitioner, and *J. H. Egan* appearing for the village of Newark; and an amendment of said petition as to the amount of the mortgage having been filed with this Commission by the petitioner on June 30th; now upon the aforesaid petition, amendment of petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Newark Gas Light and Fuel Company be and it is hereby authorized to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds, in such denominations as it may elect, maturing 40 years after the date of said mortgage, and bearing interest at a rate not exceeding 5 per cent per annum payable annually or semiannually as it may elect, to the amount of $100,000; that it be and it is hereby authorized to set aside and reserve said bonds in the par value of $30,000 to be used for the following purposes and no other: to wit, in refunding by exchange upon the basis of par value for par value, its bonds now outstanding in the amount of $30,000 maturing June 1, 1919; that it be and is hereby authorized to sell, at not less than 90 per cent of their par value, said bonds in the amount of $30,000, the proceeds from the sale of which shall be used for the following purposes and no other: (*a*) to the discharge of bills payable in the amount of $21,250, the proceeds of which were used in making certain improvements to its plant and system and the acquisition of property which are the proper subjects of capitalization; (*b*) in the construction, completion, extension, and improvement of its plant and distributing system at a cost not exceeding $6300, the improvements to be constructed being those set forth in Schedule "A" attached to the petition; that in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) at the termination of each period of six months from the date of this order, the facts in relation to the use of said bonds for refunding by exchange, pursuant to the terms of this order, or what progress has been made in that respect; (*b*) upon the sale of said $30,000 in bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*c*) at the termination of each period of six months from the date of this order, the disposition and use made of the proceeds of said $30,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such report shall be made until all the proceeds of said $30,000 in bonds have been expended, pursuant to the terms of this order.

[Case No. 849]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the PENN YAN GAS LIGHT COMPANY under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage.

The Penn Yan Gas Light Company having on April 21, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $250,000 and to issue now $55,000 in bonds to be secured by said mortgage; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on May 12th, *King, Waters & Page* appearing for the petitioner, and no one else appearing; and an amendment of said petition as to the amount of the mortgage having been filed with this Commission by the petitioner on June 30th; now upon the aforesaid petition, amendment of petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Penn Yan Gas Light Company be and it is hereby authorized to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds, in such denominations as it may elect, maturing 40 years after the date of said mortgage, and bearing interest at a rate not exceeding 5 per cent per annum payable annually or semiannually as it may elect, to the amount of $100,000; that it be and it is hereby authorized to set aside and reserve said bonds in the par value of $45,000, to be used for the following purposes and no other: to wit, in refunding by exchange upon the basis of par value for par value its bonds now outstanding in the amount of $25,000 issued under a first mortgage dated July 1, 1899, maturing July 1, 1919; and in the amount of $20,000 issued under a second mortgage dated January 1, 1902, maturing January 1, 1932; that it be and is hereby authorized to sell at not less than 90 per cent of their par value, said bonds in the amount of $10,000, the proceeds from the sale of which shall be used for the following purposes and no other: (*a*) to the discharge of bills payable in the amount of $7500, the proceeds of which were used in making certain improvements to its plant and system and the acquisition of property which are the proper subjects of capitalization; (*b*) in the construction, completion, extension, and improvement of its plant and distributing system at a cost not exceeding $1430, the improvements to be constructed being those set out in Schedule "B" attached to the petition; that in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) at the termination of each period of six months from the date of this order, the facts in relation to the use of said bonds for refunding by exchange pursuant to the terms of this order, or what progress has been made in that respect; (*b*) upon the sale of said $10,000 in bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*c*) at the termination of each period of six months from the date of this order, the disposition and use made of the proceeds of

said $10,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such report shall be made until all the proceeds of said $10,000 in bonds have been expended, pursuant to the terms of this order.

[Case No. 850]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the HORNELL GAS LIGHT COMPANY under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage.

The Hornell Gas Light Company having on April 21, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $500,000 and to issue now $115,000 in bonds to be secured by said mortgage; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on May 12th, *King, Waters & Page* appearing for the petitioner, and no one else appearing; and an amendment of said petition as to the amount of the mortgage having been filed with this Commission by the petitioner on June 30th; now upon the aforesaid petition, amendment of petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Hornell Gas Light Company be and it is hereby authorized to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds, in such denominations as it may elect, maturing 40 years after the date of said mortgage, and bearing interest at a rate not exceeding 5 per cent per annum payable annually or semiannually as it may elect, to the amount of $250,000; that it be and is hereby authorized to set aside and reserve said bonds in the par value of $95,000 to be used for the following purpose and no other: to wit, in refunding by exchange upon the basis of par value for par value its bonds now outstanding to that amount issued under a mortgage dated July 1, 1901; that it be and is hereby authorized to sell at not less than 90 per cent of their par value said bonds in the amount of $17,000, the proceeds from the sale of which shall be used in the discharge of bills payable in the amount of $15,000, the proceeds of which were used in making certain improvements to its plant and system and the acquisition of property which are the proper subjects of capitalization, and said bonds shall be used for no other purpose; that in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) at the termination of each period of six months from the date of this order, the facts in relation to the use of said bonds for refunding by exchange, pursuant to the terms of this order, or what progress has been made in that respect; (*b*) upon the sale of said $17,000 in bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per

cent of their par value; (*c*) at the termination of each period of six months from the date of this order, the disposition and use made of the proceeds of said $17,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such report shall be made until all the proceeds of said $17,000 in bonds have been expended, pursuant to the terms of this order.

[Case No. 852]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NORWICH GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage and to issue bonds to be secured by said mortgage.

The Norwich Gas and Electric Company having on April 21, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $400,000 and to issue now $170,000 in bonds to be secured by said mortgage; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on May 12th, *King, Waters & Page* appearing for the petitioner, and no one else appearing; and an amendment of said petition as to the amount of the mortgage having been filed with this Commission by the petitioner on June 30th; now upon the aforesaid petition, amendment of petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Norwich Gas and Electric Company be and it is hereby authorized to execute and deliver to such trustee as it may elect a mortgage upon its property and franchises to secure an issue of bonds, in such denominations as it may elect, maturing 40 years after the date of said mortgage, and bearing interest at a rate not exceeding 5 per cent per annum payable annually or semiannually as it may elect, to the amount of $250,000; that it be and it is hereby authorized to set aside and reserve said bonds in the par value of $85,000, to be used for the following purposes and no other: to wit, in refunding by exchange upon the basis of par value for par value its bonds now outstanding in the amount of $85,000 maturing March 1, 1930; that it be and is hereby authorized to sell at not less than 90 per cent of their par value said bonds in the amount of $85,000, and that the proceeds from the sale of said bonds be used for the following purposes and no other: (*a*) for the discharge of bills payable in the amount of $36,000, the proceeds of which were used in making certain improvements to its plant and system and the acquisition of property which are the proper subjects of capitalization; (*b*) in the construction, completion, extension, and improvement of its plant and distributing system at a cost not exceeding $43,100, the improvements to be constructed being those set out in Schedule "B" attached to the petition; that in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) at the termination of each period of six months

from the date of this order, the facts in relation to the use of said bonds for refunding by exchange, pursuant to the terms of this order, or what progress has been made in that respect; (*b*) upon the sale of said $85,000 in bonds or any of them, the fact of such sale, the terms and condition of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*c*) at the termination of each period of six months from the date of this order, the disposition and use made of the proceeds of said $85,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such report shall be made until all the proceeds of said $85,000 in bonds have been expended, pursuant to the terms of this order.

[Case No. 933]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the NEWBURGH LIGHT, HEAT AND POWER COMPANY under sections 69 and 70 of the Public Service Commissions Law, and the Application of the POUGHKEEPSIE LIGHT, HEAT AND POWER COMPANY under section 70 of the Public Service Commissions Law.

Whereas, Application is made by the Newburgh Light, Heat and Power Company under section 69 of the Public Service Commissions Law, for the authorization of this Commission to the issue of its bonds in the amount of $250,000, secured by a first mortgage dated February 1, 1901, maturing 20 years after the date of said mortgage and bearing interest at the rate of 5 per cent per annum, and to set aside and reserve and to sell said bonds at 96 per cent and accrued interest, making a net return to the company of $240,000, the proceeds to be applied as follows: (1) in the discharge and refunding of prior lien bonds now outstanding under a mortgage executed by the Consolidated Gas, Electric Light, Heat and Power Company in the amount of $120,500, together with the payment of 5 per cent premium for redemption, $6025, total $126,525; (2) the balance thereof, to the extent of said balance, to the construction, completion, extension, and improvement of its plant and distributing system as hereinafter set forth, the total estimated cost of which is $159,750; and

Whereas, Said application is for the further consent of this Commission under section 70 of the Public Service Commissions Law, to the approval of execution of a contract with the Poughkeepsie Light, Heat and Power Company, pursuant to which contract certain of said construction, improvements, and extension of plant of applicant is to be made upon the property of said Poughkeepsie Light, Heat and Power Company in Poughkeepsie: to wit, the installation of a new 2000 kw. steam turbine generator, with exciter set, condensers, boilers, furnaces, and auxiliary apparatus required in connection with the installation of such apparatus; and

Whereas, Application is also made by the Poughkeepsie Light, Heat and Power Company for approval of execution of said contract; and

Whereas, A form of said proposed contract dated July 13, 1909, and filed in this case under date of July 14, 1909, is submitted to the Commission for approval; now therefore it is

Ordered: That said contract be and is hereby approved, provided however that the same be amended in the following respects: to wit, paragraph seventh of said contract to be amended to provide that said contract shall be limited to a period of 10 years from its date, provided however that said contract may be renewed for a further period of 10 years upon the consent to said renewal of the Newburgh Light, Heat and Power Company and the Poughkeepsie Light, Heat and Power Company, and upon the condition that the approval of this Commission, or successors to the Commission, to said renewal be obtained upon application duly made; and it is further

Ordered: Conditional upon the filing of said contract amended as hereinabove provided, (1) that the Newburgh Light, Heat and Power Company be and it is hereby authorized to issue its bonds secured by its first mortgage dated February 1, 1901, bearing interest at the rate of 5 per cent per annum, maturing 20 years from the date of said mortgage, in the amount of gage dated February 1, 1901, bearing interest at the rate of 5 per cent per centum of the par value thereof and accrued interest; (2) that the proceeds from the sale of said bonds shall be applied to the following purposes and no other: to wit, (*a*) to the discharge, liquidation, and refunding of prior lien bonds outstanding in the amount of $120,500, issued by the Consolidated Gas, Electric Light, Heat and Power Company under a mortgage dated September 2, 1895, to the Columbus Trust Company of the city of Newburgh as trustee, bearing interest at the rate of 6 per cent per annum, and payable September 1, 1935, $120,500; (*b*) and the balance of said proceeds, to the extent thereof, in the payment for construction, completion, extension, and improvement of its plant and distributing system, in accordance with the detailed statement showing the estimated cost in schedule C attached to the amended petition herein verified June 21, 1909, the estimated total cost of said new construction and equipment being $159,750; in the opinion of the Commission the capital to be thus secured being reasonably required for the aforesaid purposes of the applicant; and it is further

Ordered: That the Newburgh Light, Heat and Power Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 96 per centum of their par value and accrued interest; (*b*) at the expiration of each period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order; and it is further

Ordered: That supplemental to each and every annual report of said Poughkeepsie Light, Heat and Power Company, filed with this Commission in pursuance of subdivision 6, section 66 of the Public Service Commissions Law, and as long as said contract herein above approved remain in full force and effect, said Newburgh Light, Heat and Power Company shall file with said annual reports and as supplemental thereto a statement showing in detail the results of operation under said contract, respecting particularly the number of kilowatt hours of electricity sold for the year by the Poughkeepsie Light, Heat and Power Company to the Newburgh Light, Heat and Power Company, details as to the cost thereof, and the sums paid therefor.

[Case No. 1006]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the BUFFALO GENERAL ELECTRIC COMPANY under section 69 of the Public Service Commissions Law.

The Buffalo General Electric Company having filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $243,000 in its first refunding 5 per cent gold bonds; and a hearing on said petition having been held in the city of Buffalo on July 9, 1909, *Walter P. Cooke* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Buffalo General Electric Company be and it is hereby authorized, pursuant to section 69 of the Public Service Commissions Law, to issue its first refunding 5 per cent gold bonds to the amount of $243,000 par value; that the capital to be secured by the issue of said bonds be used for the following purposes and no others: to wit, the construction, extension, and improvement of its facilities as set forth and specified in schedules A and B annexed to and made a part of its petition in this matter; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said bonds be sold at not less than 97 per cent of their par value.

Ordered: 3. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 97 per cent of their par value; (*b*) at the termination of each period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such report shall be made until all the proceeds of said bonds have been expended, pursuant to the terms of this order.

Ordered: 4. That upon the completion of the work of installing the conduits specified in said petition and particularly described in schedules A and B annexed thereto, the applicant make a full and complete inventory of all its property of every kind which is displaced by said conduit construction, and cause the same to be appraised at its cost or the sum at which it stands charged to capital account on the books of the company; that it also cause to be made an appraisal of the then present value of such property when taken out of use; that it submit such inventory and appraisals to this Commission; and when the values shall have been finally approved it credit on its books the cost of such displaced property to the account Fixed Capital as of December 31, 1908, and charge the then present value to the account Materials and Supplies, and charge the difference between said sums to the account Corporate Surplus or to the account Reserve for Accrued Amortization of Capital.

[Case No. 1003]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the SUFFOLK GAS AND ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law, as to the execution and delivery of a mortgage and issuing mortgage bonds.

The Suffolk Gas and Electric Light Company having on July 13, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage for $500,000 and to issue bonds to be secured by said mortgage; and a hearing on said petition having been held in the city of Albany on July 19, 1909, *F. H. Van Vechten* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Suffolk Gas and Electric Light Company be and it hereby is authorized to execute and deliver to the Kings County Trust Company of the borough of Brooklyn, State of New York, as trustee, a mortgage upon all of its property and assets, a copy of which mortgage is annexed to its application for an issue of bonds, to secure an issue of fifty-year 5 per cent gold bonds to the amount of $500,000.

Ordered: 2. That the said Suffolk Gas and Electric Light Company be and it is hereby authorized to issue its bonds upon the security of said mortgage, payable fifty years from their date and bearing interest at the rate of 5 per cent per annum payable semiannually, to the par value of $200,000 to be used for the purpose of the discharge or lawful refunding of a like amount of its bonds dated May 1, 1898, maturing May 1, 1918, bearing interest at the rate of 5 per cent per annum, and secured by a collateral trust mortgage dated the 1st day of May, 1898, said bonds to be exchanged par value for par value.

Ordered: 3. That the said Suffolk Gas and Electric Light Company be and it is hereby authorized to issue its said bonds upon the security of the aforesaid authorized mortgage to the aggregate amount par value of $150,000, said bonds to be sold at not less than 90 per cent of their par value, and the proceeds of the sale of said bonds to be used for the following purposes and no others: (*a*) for the purchase and installation of one set standard Lowe water gas apparatus, double superheater, having a capacity of 425,000 cubic feet for twenty-four hours, the sum of $12,000, or so much thereof as may be necessary; (*b*) for the erection of one new brick building, 75×200 feet, the sum of $10,000, or so much thereof as may be necessary; (*c*) for the erection of one brick or steel stack the sum of $6000, or so much thereof as may be necessary; (*d*) for the purchase, construction, and installation of two heavy duty 20×30×36 tandem compound Corliss engines the sum of $19,000, or so much thereof as may be necessary; (*e*) for the purchase and installation of two 250 kw. generators the sum of $10,390, or so much thereof as may be necessary; (*f*) for the purchase and installation of five 150 hp. return tubular boilers the sum of $10,000, or so much thereof as may be necessary; (*g*) for the erection and purchase of one 350,000 cubic feet gasholder $37,500, or so much thereof as may be necessary; (*h*) for the purchase and laying of one and one-half miles of 8-inch gas main the sum of $6732, or so much thereof as may be necessary; (*i*) for the purchase and laying of four miles of 6-inch gas main the sum of $13,728, or so much thereof as

may be necessary; (*j*) for the purchase and laying of five miles of 4-inch gas main the sum of $11,880, or so much thereof as may be necessary.

Ordered: 4. That all gas pipe, boilers, and other property which shall be displaced and taken out of use by the construction of the foregoing additions and improvements to the plant of said company, at the time of displacement and taking out of use shall be credited to Fixed Capital as of January 1, 1909, or such other account as may be charged with the value thereof, and that the fair value of the materials so displaced shall be charged to the account Materials and Supplies, and that the difference between the two sums aforesaid shall be charged to Profit and Loss or Surplus Account.

Ordered: 5. That said company shall make verified reports to this Commission, as follows: (*a*) at the expiration of each three months from the date of this order, the facts in relation to the use of said $200,000 in bonds for the purpose of discharge or lawful refunding, pursuant to the terms of this order, or what progress has been made in that respect, until the transaction is completed; (*b*) upon the sale of said $150,000 in bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*c*) at the expiration of each three months from the date of this order, the disposition and use made of the proceeds of said $150,000 in bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, pursuant to the terms of this order; and that such reports shall be made until all the proceeds of said $150,000 in bonds have been expended, pursuant to the terms of this order; that in the opinion of this Commission the use of the capital to be secured by the issue of such bonds is reasonably required for the aforesaid purposes of the corporation.

[Case No. 962]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition NASSAU AND SUFFOLK LIGHTING COMPANY under section 69 of the Public Service Commissions Law, for authority to issue preferred capital stock.

The Nassau and Suffolk Lighting Company having on June 16, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue preferred capital stock of said company to the amount of $421,300, par value $100 a share; and a public hearing on said petition, after due notice, having been held in the city of Albany on July 8th, *Breed, Abbott & Morgan* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Nassau and Suffolk Lighting Company be and it is hereby authorized to issue its preferred 6 per cent capital stock to the aggregate amount par value of four hundred and twenty thousand dollars ($420,000), the proceeds of the issue of said stock to be used for the following purposes and no others: *a*, for the extension and improvement of its plant as set forth in its petition and the schedules annexed thereto, $102,500; *b*, for the extension and improvement of its distributing system as set forth in its petition and the schedules annexed thereto, $205,000; *c*, for additional

working capital, $25,000; *d*, for the payment of the following obligations of the corporation: viz. indebtedness to Cooper Company $40,000, indebtedness to W. C. Breed $20,000, indebtedness to George MacDonald $20,000, indebtedness to Breed, Abbott & Morgan $7500, total of such indebtedness $87,500; that in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That if at any time by reason of the construction of any of said improvements any part of the existing plant or system of the corporation is displaced and taken out of service, the amount at which the part so displaced or taken out of service stands charged to Fixed Capital Account, or the account of the corporation equivalent thereto, shall be credited to said account, and the actual current value of the said part shall be charged to Materials and Supplies, and the difference between said sums shall be charged to Surplus.

Ordered: 3. That the said corporation shall make a verified report on the 31st day of December and 30th day of June in each and every year until said stock so authorized shall have been fully issued, showing the amount so issued during the preceding term of six months, the total amount so issued, the amount received from such issue which shall not be less than the par value thereof; and also showing in detail the use and application made by it of the moneys so realized until such moneys shall have been fully expended, pursuant to the terms of this order.

[Case No. 819]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NIAGARA LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue mortgage bonds.

The Niagara Light, Heat and Power Company having on March 29, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue $50,000 in bonds, to bear 5 per cent interest per annum, and to be secured by a mortgage of said company given to the New York Trust Company as trustee and dated May 19, 1905, the proceeds of said bonds to be used for the extension of the distributing system of said company and for other purposes named in the petition; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Buffalo on April 13, 1909, *Norman D. Fish* appearing for the petitioner, and no one else appearing; and this Commission having on June 29th adopted the following resolution in this matter,

Resolved, That the application of the Niagara Light, Heat and Power Company for the authorization of this Commission to an issue of its twenty-year 5 per cent bonds to the amount of $50,000 be denied. That the opinion of Commissioner Stevens in said matter be adopted as the opinion of the Commission, and published. That a copy of said opinion be transmitted to the said corporation and that the case be held open for conference with said corporation provided it shall care to proceed along the lines suggested in the concluding part of said opinion.

And a copy of said opinion having been transmitted to said company, and it having further been heard; now upon the aforesaid petition, papers filed, and evidence at the hearing, and in accordance with said opinion, it is

Ordered: 1. That Niagara Light, Heat and Power Company be and it is hereby authorized to issue its 5 per cent twenty-year bonds payable May 1,

1925, to the aggregate amount par value of $10,600, and to sell the same at not less than 85 per cent of the par value and accrued interest if any; that the proceeds of said bonds be used for the following purposes only, as specified in its petition dated March 25, 1909: to wit, laying of new gas mains in the cities of Tonawanda and North Tonawanda and town of Tonawanda, in the streets, and of the sizes and lengths specified in the following schedule: *North Tonawanda:* Niagara street, 3-inch main, 900 feet; Geneva street, 3-inch main, 700 feet; Marion street, 2-inch main, 200 feet; First avenue, 3-inch main, 390 feet; Second avenue, 3-inch main, 330 feet; Third avenue, 3-inch main, 300 feet; Dahl Green place, 3-inch main, 540 feet; First avenue, 3-inch main, 900 feet; Second avenue, 3-inch main, 900 feet; Third avenue, 3-inch main, 900 feet; Fifth avenue, 3-inch main, 840 feet; Sixth avenue, 3-inch main, 900 feet; Seventh avenue, 3-inch main, 810 feet; Eighth avenue, 3-inch main, 760 feet; Tenth avenue, 3-inch main, 300 feet; Eleventh avenue, 3-inch main, 400 feet; Oliver street, 6-inch main, 2450 feet; Allen street, 3-inch main, 2020 feet; Cottage street, 3-inch main, 250 feet; Felton street, 3-inch main, 3050 feet; Glenwood street, 3-inch main, 750 feet. *Town of Tonawanda:* New addition, 2-inch, high-pressure main, 5000 feet. *Tonawanda:* Maple street, 3-inch main, 600 feet; Grove street, 3-inch main, 1300 feet; Fuller avenue, 2-inch main, 400 feet; King street, 3-inch main, 600 feet. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That this order modifies the said resolution adopted June 29th.

Ordered: 3. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $10,600 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 85 per cent of the par value of said bonds and accrued interest if any; (*b*) at the termination of each and every period of six months from the date of this order, the dis position and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, pursuant to the terms of this order.

[Case No. 1022]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 29th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the ROCKLAND LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $100,000 in bonds to be secured by an existing mortgage.

The Rockland Light and Power Company having on July 24, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue $100,000 in bonds, to bear 5 per cent interest per annum and to be secured by an existing mortgage of said company given to the Guaranty Trust Company of New York city as trustee; and a hearing on said petition having been held in the city of Albany on July 27th, *Davies, Strong & Auerbach* appearing for the petitioner, and it

appearing that said bonds or the proceeds thereof are to be used for purposes hereinafted stated; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Rockland Light and Power Company be and it is hereby authorized to issue its 5 per cent bonds Nos. 501 to 600, both inclusive, of the aggregate par value of $100,000, pursuant to the terms and upon the security of its mortgage dated the 7th day of December, 1908, and executed to the Guaranty Trust Company of New York; that said bonds be sold at not less than 90 per cent of the par value thereof and accrued interest; and that the capital secured by the issue of said bonds be used for the following purposes only: (*a*) 50 of said bonds or the proceeds thereof for the payment and discharge of bonds of the former Nyack Gas Light and Fuel Company, now merged with said Rockland Light and Power Company, which bonds are now outstanding unpaid and by reason of said merger the obligations of said Rockland Light and Power Company; said bonds of the Nyack Gas Light and Fuel Company may be retired by either exchange of bonds par for par or by payment with the avails of bonds 501 to 550, both inclusive, of the Rockland Light and Power Company; (*b*) the proceeds of bonds 551 to 600, both inclusive, for the acquisition of property and extension and improvement of its plant and distributing system as set forth in its petition for authorization; that in the opinion of the Commission the capital to be secured by the issue of the said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $100,000 in bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of the par value thereof and accrued interest; (*b*) upon the use of said 50 bonds or any of them for the payment and discharge of bonds of the former Nyack Gas Light and Fuel Company, the facts of such transaction or transactions; (*c*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds which are sold, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said bonds sold have been expended, pursuant to the terms of this order.

[Case No. 1036]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 3rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

Petition of THE BERLIN ELECTRIC LIGHT, HEAT AND POWER COMPANY, under section 69 of the Public Service Commissions Law as to issuing capital stock, and under section 68 of the Public Service Commissions Law as to construction of extensions of its lines.

The Berlin Electric Light, Heat and Power Company having on July 30, 1909, filed with this Commission its petition: (1) under section 69 of the Public Service Commissions Law for authority to issue $5000 in common capital stock, par value $100 a share; (2) under section 68 of the Public Service Commissions Law for permission to begin construction in the town of Petersburgh, Rensselaer county, of an extension of its distributing system,

approval of the exercise by said company of rights and privileges
franchise received by said company from the town board of the
Petersburgh; and it appearing that the petitioner is now furnishing
y to the public in the town of Berlin, Rensselaer county, which
he town of Petersburgh; now upon the aforesaid petition, papers
l after due deliberation, it is

d: 1. That The Berlin Electric Light, Heat and Power Company be
hereby authorized to issue its capital stock to the amount of fifty
f the par value of $100 each, total $5000, whenever its authorized
tock shall have been increased in the manner provided by law to an
arge enough to permit such issue; that the proceeds of such issue be
the acquisition of property and the extension and improvement of its
l distributing system as set forth in its petition dated the 26th day
1909, and said purposes only; that said stock be sold at not less
; that in the opinion of the Commission the capital to be secured
sue of said stock is reasonably required for the said purposes of the
on.

d: 2. That said company shall make verified reports to this Com-
as follows: (*a*) upon the sale of said $5000 in capital stock or any
reof, the fact of such sale, the terms and conditions of sale, and
unts realized therefrom which shall not be less than the par value
capital stock; (*b*) at the termination of each and every period of
hs from the date of this order, the disposition and use made of the
of said capital stock, setting forth in reasonable detail the pur-
which the proceeds have been devoted, in accordance with the terms
order; and that such reports shall be made until all the proceeds
apital stock have been expended, pursuant to the terms of this order.

d: 3. That permission and approval be and it is hereby given that
pany may begin construction of the extension of its distributing
om the village of Berlin to and in the village of Petersburgh, and
nay exercise the rights and privileges under the franchise granted
e town of Petersburgh dated May 22, 1909, a copy of which is filed
s Commission.

. 741]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 4th day of August, 1909.

W. STEVENS, Chairman,
S M. OSBORNE,
B. OLMSTED,
Commissioners.

Matter of the Application of the BINGHAMTON HEAT AND POWER COMPANY for authorization e bonds to the amount of $680,000 and preferred to the amount of $50,000, and for other relief.

d: 1. That the said application be denied, and that the opinion of ioner Stevens be adopted as the opinion of the Commission; 2, that eedings be not dismissed, but continued for the purpose of enabling company to proceed therein upon the lines suggested in the opinion ll so desire.

[Case No. 937]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 23rd day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of the WESTCHESTER LIGHTING COMPANY under section 69 of the Public Service Commissions Law.

Whereas, By order dated June 22, 1909, Westchester Lighting Company was required to file within sixty days after the service of said order a verified report showing in detail the use and application made by it of the moneys realized from the sale of collateral trust bonds mentioned in said order; and

Whereas, It appears that sufficient time has not elapsed to enable the Westchester Lighting Company to effectuate a sale of the securities authorized to be issued by said order of this Commission dated June 22, 1909;

Ordered: That the time of said Company to file with this Commission a verified report showing in detail the use and application made by it of the moneys arising from the sale of the collateral trust bonds mentioned in said order, or any part thereof, be and it hereby is extended ninety days from date.

[*See* Case No. 937, page 654.]

[Case No. 1037]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 25th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of the LOCKPORT LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for permission to issue $72,000 of bonds under its first refunding 5 per centum gold mortgage of January 1, 1908.

Lockport Light, Heat and Power Company having on the 3rd day of August, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue its 5 per cent thirty-year gold bonds of the par value of $72,000, and for amendment in so far as might be necessary of the order of the Commission granted December 21, 1907, upon the application of petitioner; and a hearing having been had at the Capitol, Albany, on the 4th day of August, 1909, *Philbin, Beckman and Nenken* appearing for the applicant, and no one else appearing; now upon said petition and accompanying papers, and due deliberation having been had, it is

Ordered: 1. That Lockport Light, Heat and Power Company be and the same is hereby authorized to issue its 5 per cent thirty-year gold bonds, pursuant to the terms and upon the security of its first refunding 5 per centum gold mortgage dated January 1, 1908, executed to New York Trust Company,

trustee, to the amount of seventy thousand dollars ($70,000), said bonds to be sold at not less than 85 per cent of their par value and accrued interest, and the proceeds of such sale to be used for the following purposes and no others, without the further authorization of this Commission: (*a*) for the discharge of the principal only of certain promissory notes of said company which are particularly set forth and described in its petition dated the 20th day of July, 1909, and which principal aggregates the sum of $43,784.18, said sum of $43,784.18; (*b*) for the construction of certain additions and betterments to its plant and distributing system, which additions and betterments and the estimated cost thereof are particularly set forth and described in said petition, the remainder of said proceeds or so much thereof as may be necessary. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation, it having been shown that the indebtedness represented by said notes was incurred in the construction of additions and betterments to the plant of said company. That this authorization is to be taken in connection with the order and authorization of this Commission dated the 21st day of December, 1907, which among other things authorized said corporation to issue its said bonds to the amount of $50,000, pursuant to which authorization bonds to the amount of $19,000 only have been issued. The unissued bonds to the amount of $31,000 shall be deemed and taken to be a part of this authorization, to the end that bonds to the amount of $70,000 only shall be issued under both authorizations in addition to bonds to the amount of $19,000 already issued.

Ordered: 2. That the applicant, Lockport Light, Heat and Power Company, shall make verified reports to this Commission, as follows: (*a*) upon the sale of the bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended, pursuant to the provisions of this order.

[Case No. 851] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 27th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of LYONS GAS LIGHT COMPANY for authorization to issue bonds under section 69 of the Public Service Commissions Law.

Lyons Gas Light Company filed with the Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute and deliver a mortgage dated January 1, 1909, to the Ithaca Trust Company as trustee, to secure an issue of 40-year 5 per cent bonds to the amount of $150,000, and for authority to issue said bonds; and it thereafter amended its petition, asking for the authorization of the execution of a mortgage to be dated July 1, 1909, and bonds to the amount of $100,000 to be issued instead of $150,000. Hearings, after public notice, were held on said petition at the office of this Commission at the Capitol, Albany, on the 12th day of May and

14th day of June, 1909, *King, Waters & Page* appearing for said petitioner, and *Thad. Collins, jr.*, for the village of Lyons in opposition; now upon said petition and evidence at the hearings, and after due deliberation, it is

Ordered: 1. That Lyons Gas Light Company be and it is hereby authorized to execute and deliver to Ithaca Trust Company, or to some other suitable trust company, as trustee, a mortgage upon all its property and franchises to secure the payment of its forty-year 5 per cent bonds to the aggregate amount of one hundred thousand dollars ($100,000), the form of said mortgage to be submitted to this Commission for its approval before execution and delivery thereof.

Ordered: 2. That the said Lyons Gas Light Company be and it is hereby authorized to issue its forty-year 5 per cent bonds to the aggregate amount of fifty thousand dollars ($50,000) par value, to be sold at not less than 85 per cent of the par value thereof and accrued interest, the proceeds of the sale of said bonds to be used for the following purposes and no others: to wit, (*a*) for the discharge of certain notes of said corporation now outstanding, the names of the holders and the respective amounts thereof being as follows: First National Bank, Ithaca, $5000; Gavitt National Bank, Lyons, $1000; Bank of Steuben, Hornell, $5000; William T. Morris, $23,000: total $34,000; (*b*) for the construction of a new high pressure 2½-inch gas main, $9600; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 3. That upon the payment of the said outstanding notes amounting to thirty-four thousand dollars ($34,000) with proceeds from the sale of bonds hereby authorized, the present outstanding issue of 5 per cent bonds maturing January 1, 1935, under a mortgage to the Ithaca Trust Company as trustee, amounting to thirty thousand dollars ($30,000), which said bonds stand pledged as collateral security for the payment of said notes and will be released by said payment, shall be canceled, and the applicant herein shall thereupon immediately have the mortgage under which the said present outstanding bonds were issued discharged of record and file a certified copy of the duly recorded satisfaction of the said mortgage with this Commission.

Ordered: 4. That it having been made to appear to the Commission that a part of the said present outstanding note indebtedness, to wit, twelve thousand dollars ($12,000), represents a payment to William T. Morris made to cover in substance part of the acquisition by him of the applicant's capital stock and is not a proper charge upon the applicant's property, the applicant shall set aside on December 31st of each year its entire net income, after payment of operating expenses and interest upon its bonded indebtedness, as a fund for making additions, betterments, and improvements to its property other than the construction of a new high pressure 2½-inch gas main provided for herein, the said fund to be maintained until the same shall together with interest received from the investment thereof equal the said sum of twelve thousand dollars ($12,000); provided that the applicant shall be entitled to use such fund from time to time or any part thereof for the said additions, betterments, or improvements other than the gas main construction provided for herein; provided further that the applicant shall keep a true and accurate account of the payments into said fund and the disbursements therefrom and file with this Commission annually on or before the 1st day of February a copy thereof, together with a detailed statement of the particular additions, betterments, and improvements covered by such disbursements, distinguishing the same from replacements according to the uniform system of accounts heretofore duly prescribed by this Commission.

Ordered: 5. That before issuing any of the bonds hereby authorized the applicant notify the Commission in writing whether the terms of the order are accepted and will be obeyed.

Ordered: 6. That Lyons Gas Light Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions

of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[Case No. 853]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 27th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of ITHACA GAS LIGHT COMPANY for authority to issue bonds under section 69 of the Public Service Commissions Law.

Ithaca Gas Light Company filed with the Commission its petition under section 69 of the Public Service Commissions Law for authority to issue its 5 per cent 40-year gold bonds to the amount of $750,000, of which $240,000 are to be presently issued, said total issue of bonds to be secured by petitioner's trust mortgage. The petition was thereafter amended, reducing the amount of the bonds from $750,000 to $400,000, and fixing the date of the mortgage as July 1, 1909, instead of January 1, 1909. Hearings were had at the Capitol in the city of Albany, May 12 and June 14, 1909, *King, Waters & Page* appearing for the applicant, and *P. F. McAllister* for the city of Ithaca. Now upon said petition and accompanying papers, and the evidence at said hearings, and after due deliberation, it is

Ordered: 1. That the Ithaca Gas Light Company be and it is hereby authorized to issue its 5 per cent forty-year gold bonds to the amount of $260,000 par value, said bonds to be sold at not less than 90 per cent of said par value. That the proceeds of said bonds be used for the following purposes and no others: (*a*) $200,000 to discharge or refund existing and outstanding bonds of the said company to that amount, said bonds now outstanding constituting the total bonded indebtedness of said Ithaca Gas Light Company, being fully described as follows: first mortgage bonds of said company dated November 1, 1901, and maturing November 1, 1931, secured by a mortgage upon the property of said company to the Ithaca Trust Company as trustee; (*b*) $27,400 to the discharge of certain promissory notes of said company which are described and set forth in full in schedule B annexed to the petition of the company for this authorization; (*c*) the remainder of said proceeds for additions and betterments to the plant and distributing system of the said corporation. That in the opinion of the Commission the capital to be secured by the said issue of bonds is reasonably required for the aforesaid purposes of the corporation.

Ordered: 2. That the said Ithaca Gas Light Company be and it is hereby authorized to execute to the Ithaca Trust Company as trustee, a mortgage upon its entire property to secure the payment of its 5 per cent forty-year gold bonds to the amount of $400,000, said mortgage to be approved before execution by this Commission; the authorization to execute and deliver the said mortgage not to be construed as an authorization to issue any bonds upon the security thereof except the aforesaid bonds to the amount of $260,000, without the further authorization of this Commission upon proper application made therefor.

Ordered: 3. This authorization is made upon the following conditions: (*a*) That the aforesaid mortgage shall contain a provision for creating a sink-

ing fund for the amortization of the bonds to be issued under said mortgage, which provision shall be in the words and figures following: "That it will create, maintain, and provide a sinking fund towards the payment and redemption of the bonds to be issued under and secured by this mortgage, said sinking fund to be provided, maintained, and applied as follows: to wit, on the first day of July, 1911, and on the first day of January and July in each year thereafter until the maturity of the said bonds, the company will pay to the trustee an amount equal to one-half per cent (½%) of the aggregate amount of the bonds outstanding on the first day of the month immediately preceding the first day of January or the first day of July on which the particular payment is to be made. The trustee shall semiannually, upon such dates as it may deem best, apply the moneys in the sinking fund so far as the amount thereof will permit, to the purchase of the bonds hereby secured, at a price not to exceed one hundred and five per cent (105%) of the par value thereof and interest accrued to the date of such purchase. Prior to such purchase the trustee shall give notice to all bondholders in the manner hereinafter described, of its intention so to apply the proceeds of the sinking fund and inviting offerings of said bonds at a price not to exceed one hundred and five per cent (105%) of the par value thereof and accrued interest. Such notice shall be sent by mail to all registered holders of said bonds, and shall also be published once a week for three weeks in a newspaper of general circulation in the city of New York and one in the city of Ithaca, New York. From the bonds offered in response to such notice the trustee shall purchase such bonds as are offered at the lowest price not exceeding the price above set forth. If sufficient bonds shall not be offered in response to such notice within such time as shall be specified therein, which shall be not less than two (2) weeks from the last publication thereof, at a price not exceeding one hundred and five per cent (105%) of the par value and accrued interest, the trustee may purchase said bonds wherever the same may be obtained, at a price not exceeding that above named. If said bonds can not be purchased at a price not exceeding that above named, the moneys in the sinking fund shall be accumulated in the hands of the trustee and added to the sinking fund for future investment in accordance with the terms hereof. The company shall have the same right as any bondholder to offer said sinking fund the bonds issued and secured under this mortgage. The bonds of the company which shall be acquired for the sinking fund shall, as soon as acquired by the trustee, be conspicuously and indelibly stamped on their face as follows: 'Received for the sinking fund and no longer negotiable or transferable'. And the date of their receipt by the trustee shall be plainly noted thereon, and the coupons for interest thereto belonging and attached shall be defaced or canceled by perforations or punctures through the name of the treasurer. Said bonds shall remain in full force as valid and binding obligations of the company as an investment of and for the sinking fund, and the interest thereon and sinking fund therefor shall continue to be paid by the company to the trustee in the same manner and at the same time that payment of interest and sinking fund would be made if the bonds were held or owned by any other party or parties. The sinking fund shall, subject to the preceding provisions hereof, be applied by the trustee for the payment in full, so far as it will go, of the bonds, principal and interest, when the principal falls due. Any surplus after the payment of principal and interest shall be turned over to the Company."

(*b*) That the said mortgage shall also contain a provision and covenant on the part of the said Ithaca Gas Light Company that it will during each year hereafter, beginning July 1, 1909, pay over to the said trustee mentioned in said mortgage, or its successor, not less than forty per cent of the net corporate income of the company for said year, such payment to be continued from year to year until there has been paid to the said trustee sums which together with any income, interest, or other profits arising from the fund shall amount to the sum of $90,000; said moneys so paid to said trustee, or its successor, shall be termed investment fund and shall be disposed of as follows: The trustee shall keep the same well and properly invested and may from time to time pay over the whole or any part thereof to the said Ithaca Gas Light Company, to be used for additions and betterments to the plant

and distributing system of said corporation, such payment to be made to said company for said purposes upon an order of the Public Service Commission, Second District of the State of New York, or such other state department or commission as may from time to time have supervision and jurisdiction over said company. Whenever said investment fund shall have amounted to the said sum of $90,000, in the manner aforesaid, including therein any moneys which may have been paid to the company pursuant to the order of the Public Service Commission as aforesaid, it shall be turned over to the said Ithaca Gas Light Company free from any obligation of the said trust, to be held by it without further condition or limitation. That whenever any sum shall be paid by the corporation to the trustee for the said fund, such amount shall be charged to the account carried by it upon its books called investment fund, and at the same time credited to such fixed capital account as the Public Service Commission shall direct, with proper adjusting entries, and whenever any moneys from said investment fund shall be paid over to the company and invested in additions and betterments, such amounts shall be credited to investment fund and charged to the appropriate fixed capital account.

(*c*) That the said mortgage shall contain a further provision that when said investment fund hereinbefore mentioned shall have been paid over to the company, that a further investment fund shall be created to the amount of $20,000, to be treated in the same manner and subject to all of the conditions and provisions as the investment fund to the amount of $90,000.

(*d*) That the said company shall annually, during the month of July each year, beginning with July, 1910, make sworn report to the Public Service Commission of all proceedings pursuant to this order with respect to the investment fund.

Ordered: 4. That before issuing any of the bonds hereby authorized the applicant notify the Commission, in writing, whether the terms of the order are accepted and will be obeyed.

Ordered: 5. That Ithaca Gas Light Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[*See* Case No. 853, page 688.]

[Case No. 854]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 27th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of HOMER AND CORTLAND GAS LIGHT COMPANY for authority to issue bonds under section 69 of the Public Service Commissions Law.

Homer and Cortland Gas Light Company filed its petition under section 69 of the Public Service Commissions Law for authority to issue its 5 per cent 40-year gold bonds to the amount of $500,000, of which bonds $160,000 are proposed to be presently issued, said total issue to be secured by petition-

er's trust mortgage dated January 1, 1909. The petitioner afterwards amended its petition, asking that the total amount of said bonds to be issued be fixed at $250,000 instead of $500,000, and that the date of the mortgage be July 1, 1909, in place of January 1, 1909. Hearings were had May 12 and June 14, 1909, at the office of this Commission, at the Capitol, Albany, *King, Waters & Page* appearing for the applicant, and no one else appearing. Now upon said petition and accompanying papers, and the evidence at the hearings, and after due deliberation, it is

Ordered: 1. That the Homer and Cortland Gas Light Company be and it is hereby authorized to issue its 5 per cent 40-year gold bonds to the amount of $160,000 par value, said bonds to be sold at not less than 90 per cent of said par value. That the proceeds of said bonds be used for the following purposes and no others: (*a*) $100,000 to discharge or refund existing and outstanding bonds of the said company to that amount, said bonds now outstanding constituting the total bonded indebtedness of said Homer and Cortland Gas Light Company, being fully described as follows: first mortgage bonds of said company dated July 1, 1899, and maturing July 1, 1909, secured by a mortgage upon the property of said company to the Trust Company of America as trustee; (*b*) $39,750 to the discharge of certain promissory notes of said company which are described and set forth in full in schedule B annexed to the petition of the company for this authorization; (*c*) the remainder of said proceeds for additions and betterments to the plant and distributing system of the said corporation to be hereafter designated by this Commission. That in the opinion of the Commission the capital to be secured by the said issue of bonds is reasonably required for the aforesaid purposes of the corporation.

Ordered: 2. That the said Homer and Cortland Gas Light Company be and it is hereby authorized to execute to the Ithaca Trust Company as trustee, a mortgage upon its entire property to secure the payment of its 5 per cent 40-year gold bonds to the amount of $250,000, said mortgage to be approved before execution by this Commission; the authorization to execute and deliver the said mortgage not to be construed as an authorization to issue any bonds upon the security thereof except the aforesaid bonds to the amount of $160,000, without the further authorization of this Commission upon proper application made therefor.

Ordered: 3. That this authorization is made upon the following conditions: (*a*) That the aforesaid mortgage shall contain a provision for creating a sinking fund for the amortization of the bonds to be issued under said mortgage, which provision shall be in the words and figures following: "That it will create, maintain, and provide a sinking fund towards the payment and redemption of the bonds to be issued under and secured by this mortgage, said sinking fund to be provided, maintained, and applied as follows: to wit, on the first day of July, 1911, and on the first day of January and July in each year thereafter until the maturity of the said bonds, the company will pay to the trustee an amount equal to one-half per cent (½%) of the aggregate amount of the bonds outstanding on the first day of the month immediately preceding the first day of January or the first day of July on which the particular payment is to be made. The trustee shall semiannually, upon such dates as it may deem best, apply the moneys in the sinking fund so far as the amount thereof will permit, to the purchase of the bonds hereby secured, at a price not to exceed one hundred and five per cent (105%) of the par value thereof and interest accrued to the date of such purchase. Prior to such purchase the trustee shall give notice to all bondholders in the manner hereinafter described, of its intention so to apply the proceeds of the sinking fund and inviting offerings of said bonds at a price not to exceed one hundred and five per cent (105%) of the par value thereof and accrued interest. Such notice shall be sent by mail to all registered holders of said bonds, and shall also be published once a week for three weeks in a newspaper of general circulation in the city of New York and one in the city of Cortland, New York. From the bonds offered in response to such notice the trustee shall purchase such bonds as are offered at the lowest price not exceeding the price above set forth.

If sufficient bonds shall not be offered in response to such notice within such time as shall be specified therein, which shall be not less than two (2) weeks from the last publication thereof, at a price not exceeding one hundred and five per cent (105%) of the par value and accrued interest, the trustee may purchase said bonds wherever the same may be obtained at a price not exceeding that above named. If said bonds can not be purchased at a price not exceeding that above named, the moneys in the sinking fund shall be accumulated in the hands of the trustee and added to the sinking fund for future investment in accordance with the terms hereof. The company shall have the same right as any bondholder to offer said sinking fund the bonds issued and secured under this mortgage. The bonds of the company which shall be acquired for the sinking fund shall, as soon as acquired by the trustee, be conspicuously and indelibly stamped on their face as follows: 'Received for the sinking fund and no longer negotiable or transferable'. And the date of their receipt by the trustee shall be plainly noted thereon, and the coupons for interest thereto belonging and attached shall be defaced or canceled by perforations or punctures through the name of the treasurer. Said bonds shall remain in full force as valid and binding obligations of the company as an investment of and for the sinking fund, and the interest thereon and sinking fund therefor shall continue to be paid by the company to the trustee in the same manner and at the same time that payment of interest and sinking fund would be made if the bonds were held or owned by any other party or parties. The sinking fund shall, subject to the preceding provisions hereof, be applied by the trustee for the payment in full, so far as it will go, of the bonds, principal and interest, when the principal falls due. Any surplus after the payment of principal and interest shall be turned over to the company."

(*b*) That said corporation shall set aside on December 31st of each year its entire net income after payment of its operating expenses and interest upon its bonded indebtedness as a fund for making additions and betterments to its property until said sums so set aside shall equal the sum of five thousand dollars.

Ordered: 4. That before issuing any of the bonds hereby authorized the applicant notify the Commission, in writing, whether the terms of the order are accepted and will be obeyed.

Ordered: 5. That Homer and Cortland Gas Light Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[Case No. 855]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 27th day of August, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Application of PALMYRA GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue bonds.

Palmyra Gas and Electric Company filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to

issue its 5 per cent 40-year gold bonds to the amount of $100,000, to be secured by a mortgage dated July 1, 1909, to the Ithaca Trust Company, of which bonds $60,000 are to be sold at not less than 85 per cent of their par value, the proceeds to be used to discharge obligations of the company, and for extensions and betterments; and the trustees of the village of Palmyra filed certain objections to said application. Hearings, after due notice, were had on said application at the Capitol, Albany, on the 12th day of May and 14th day of June, 1909, *King, Waters & Page* appearing for the applicant, and *Frederick E. Converse*, attorney for the village of Palmyra, and *S. H. Hunt*, president of said village, for said village. Now upon the aforesaid petition and accompanying papers, and the evidence at the hearings, and after due deliberation, it is

Ordered: 1. That Palmyra Gas and Electric Company be and it is hereby authorized to execute and deliver to Ithaca Trust Company, or some other suitable trust company, as trustee, a mortgage upon all its property and franchises to secure the payment of its forty-year 5 per cent bonds to the aggregate amount of one hundred thousand dollars ($100,000), the form of said mortgage to be submitted to this Commission for its approval before execution and delivery thereof.

Ordered: 2. That the said Palmyra Gas and Electric Company be and it is hereby authorized to issue its forty-year 5 per cent bonds to the aggregate amount of sixty thousand dollars par value, to be sold at not less than 90 per cent of the par value thereof and accrued interest, the proceeds of the sale of said bonds to be used for the following purposes and no others: to wit, (*a*) for the discharge of certain notes of said corporation now outstanding, the names of the holders and respective amounts thereof being as follows: State Bank Newark, N. Y., $400.00; State Bank Newark, N. Y., $375.00; State Bank Newark, N. Y., $250.00; State Bank Newark, N. Y., $375.00; State Bank Newark, N. Y., $250.00; State Bank Newark, N. Y., $875.00; State Bank Newark, N. Y., $800.00; Cornell University, $20,000.00; William T. Morris, $12,000.00: total $35,525.00; (*b*) for the extension and improvement of its plant and distributing system as set forth in its petition and particularly schedule B annexed thereto; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 3. That upon the payment of the said outstanding notes amounting to $35,525 with proceeds upon the sale of bonds hereby authorized, the applicant's present outstanding issue of 5 per cent bonds maturing January 1, 1935, under a mortgage to the Ithaca Trust Company as trustee, amounting to $40,000 (the whole of which issue stands pledged as collateral security for the payment of said notes and will be released by said payment), shall be canceled, and the applicant herein shall thereafter immediately have the mortgage under which the said present outstanding bonds were issued, discharged of record, and file a certified copy of the duly recorded satisfaction of said mortgage with this Commission.

Ordered: 4. That it having been made to appear to this Commission that a part of said present outstanding note of indebtedness, to wit, $25,000, represents a payment to William T. Morris made to cover in substance acquisition by him of the applicant's capital stock, is not a proper charge upon the applicant's property, the applicant shall set aside on December 31st of each year, its entire net income after payment of operating expenses and interest upon its bonded indebtedness, as a fund for the making of additions, betterments, and improvements to its property other than the extensions and improvement of its plant and distributing system set forth in its petition herein and particularly schedule B annexed thereto, the said fund to be maintained until the same shall, together with interest received from the investment thereof, equal the said sum of $25,000; provided that the applicant shall be entitled to use such fund from time to time, or any part thereof, for the said additions, betterments, or improvements other than those specified in said petition and schedule B annexed thereto; provided further that the applicant shall keep a true and accurate account of the

payments into said fund and the disbursements therefrom, and file with this Commission annually on or before the 1st day of February a copy thereof, together with a detailed statement of the particular additions, betterments, and improvements covered by such disbursements, distinguishing the same from replacements according to the uniform system of accounts heretofore duly prescribed by this Commission.

Ordered: 5. That before issuing any of the bonds hereby authorized the applicant notify the Commission, in writing, whether the terms of the order are accepted and will be obeyed.

Ordered: 6. That Palmyra Gas and Electric Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[*See* Case No. 855, page 685.]

[Case No. 1243]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the BABYLON ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law, as to issuing capital stock.

The Babylon Electric Light Company having on August 20, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $30,000 in capital stock; and it appearing that the proceeds of said capital stock are to be used for purposes hereinafter stated; now upon the aforesaid petition and accompanying papers, and after due deliberation, it is

Ordered: 1. That the Babylon Electric Light Company be and it is hereby authorized to issue its capital stock to the amount of $30,000, being the full amount of the increase of such capital stock authorized by the stockholders at a meeting held May 1, 1909, said stock to be issued at not less than the par value thereof, and the proceeds to be used for the following purposes only: (*a*) to the discharge of five promissory notes of said company particularly described in its petition, aggregating $20,000, said indebtedness having been incurred in constructing additions and betterments to the company's plant; (*b*) to the discharge of a certain mortgage upon its property held by Phebe R. Bergen, executed April 1, 1891, and particularly described in the petition, $6000; (*c*) to the discharge of certain indebtedness of said company now standing in the form of accounts payable, incurred in constructing additions and betterments, $4000; that in the opinion of the Commission the capital to be accrued by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $30,000 in capital stock or any

part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock have been expended, pursuant to the terms of this order.

[Case No. 1231]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the PAWLING ELECTRIC LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law, as to issuing capital stock.

The Pawling Electric Light, Heat and Power Company having on August 26, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue the $20,000 common capital stock, par value $25 a share, named in its certificate of incorporation; and a public hearing on said petition, after due notice, having been called by this Commission in the city of Albany on September 13, 1909; now upon the aforesaid petition and papers filed, and after due deliberation, it is

Ordered: 1. That Pawling Electric Light, Heat and Power Company be and it is hereby authorized to issue its capital stock to the amount of eight hundred shares of the par value of twenty-five dollars each, total par value twenty thousand dollars, the proceeds of said stock to be used for the acquisition of a site for its generating plant and the construction of its plant and generating system, said stock to be sold at not less than the par value thereof; that in the opinion of the Commission the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $20,000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said capital stock have been expended, pursuant to the terms of this order.

[Case No. 1239]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE CATARACT POWER AND CONDUIT COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $5000 in bonds to be secured by a mortgage heretofore made.

The Cataract Power and Conduit Company having on August 25, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $5000 in bonds to be secured by its first mortgage to the Metropolitan Trust Company of New York as trustee, dated January 1, 1907; and a hearing on said petition having been held in the city of Buffalo on September 3, 1909, *Kenefick, Cooke & Mitchell* appearing for the petitioner; and it appearing to this Commission that but $4000 par value in said bonds should on this petition now be authorized by the Commission to be issued; and it appearing that the proceeds of said bonds are to be used for purposes hereinafter stated; and it appearing that the bonds proposed to be issued are a part of 120 mortgage bonds of the denomination of $1000 each referred to in an order of this Commission dated September 16, 1909; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Cataract Power and Conduit Company be and it is hereby authorized to issue its 5 per cent gold bonds to the amount par value of four thousand dollars ($4000), said bonds to be sold at not less than 95 per cent of their par value, and the proceeds thereof to be used for the following purposes only: to wit, in paying the indebtedness incurred in acquiring property and in improving its plant and system for which this Commission authorized an issue of bonds on the 16th day of September, 1908, to the amount par value of $120,000, but restricting such issue to an amount which should realize not to exceed $108,218.33, bonds having been sold under said order, from which sale was realized the sum of $107,725, and the cost of the improvements having in fact exceeded the said sum of $108,218.33 by the sum of $3748.12, thus making the cost of such improvements exceed the amount realized from the sale of said bonds by the sum of $4241.45; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said Cataract Power and Conduit Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of the $4000 par value in mortgage bonds authorized by this order to be issued, or any of them, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less than 95 per cent of their par value; (*b*) the disposition and use made of the proceeds of said bonds, in accordance with the terms of this order.

[Case No. 1240]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of THE CATARACT POWER AND CONDUIT COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $164,000 in bonds to be secured by a mortgage heretofore made.

The Cataract Power and Conduit Company having on August 25, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $164,000 in bonds to be secured by its first mortgage for $2,000,000 to the Metropolitan Trust Company of New York as trustee, dated January 1, 1897; and a hearing on said petition having been held in the city of Buffalo on September 3, 1909, *Kenefick, Cooke & Mitchell* appearing for the petitioner; and it appearing to this Commission that but $149,000 par value in said bonds should on this petition now be authorized by this Commission to be issued; and it appearing that the proceeds of said bonds are to be used for the acquisition of property by said corporation and the extension and improvement of its plant; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Cataract Power and Conduit Company be and it is hereby authorized to issue its 5 per cent gold bonds payable January 1, 1927, upon the security of its first mortgage to the Metropolitan Trust Company of New York as trustee, to the amount of one hundred and forty-nine thousand dollars ($149,000) par value, at not less than 95 per cent of such par value, the proceeds of said bonds to be used for the following purposes only: to wit, in the acquisition of property and the extension and improvement of the plant of said corporation, as is particularly specified in schedule A, revised, submitted by said corporation upon its application for this authorization; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said Cataract Power and Conduit Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of the $149,000 par value in mortgage bonds authorized by this order to be issued or any of them, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom which shall not be less than 95 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, in accordance with the terms of this order, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said bonds have been expended, in accordance with the terms of this order.

[Case No. 855]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 8th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of PALMYRA GAS AND ELECTRIC COMPANY for authority to issue bonds under section 69 of the Public Service Commissions Law.

Palmyra Gas and Electric Company having on the 6th day of October, 1909, filed with this Commission its duly verified petition, verified on the 27th day of September, 1909, and attached thereto and made a part thereof the affidavit of T. W. Summers duly verified on the 21st day of September, 1909, wherein and whereby the said petitioner prays for a modification of the order of this Commission made in the above entitled matter on the 27th day of August, 1909, in respect to the determination by the Commission as to the extent of the impairment of the company's capital and in regard to the length of time to be given the company to make good said impairment out of earnings; and it having been made to appear from the petition filed October 6, 1909, and from the affidavit thereto attached, that the impairment of capital of said company based on the difference between the actual value of its tangible property and its outstanding capital and indebtedness which it desires to fund under the mortgage authorized by the order of this Commission on August 27, 1909, is the sum of three thousand five hundred and twenty-five dollars ($3525); now upon the aforesaid petition filed October 6, 1909, and accompanying papers, and upon the evidence taken at the hearings and all proceedings heretofore had in this matter, and after due deliberation, it is

Ordered: That the aforementioned order of August 27, 1909, be and the same hereby is modified so as to read as follows:

Palmyra Gas and Electric Company filed with this Commission its petition under section 69 of the Public Service Commissions Law for authority to issue its 5 per cent 40-year gold bonds to the amount of $100,000, to be secured by a mortgage dated July 1, 1909, to the Ithaca Trust Company, of which bonds $60,000 are to be sold at not less than 85 per cent of their par value, the proceeds to be used to discharge obligations of the company, and for extensions and betterments; and the trustees of the village of Palmyra filed certain objections to said application. Hearings, after due notice, were had on said application at the Capitol, Albany, on the 12th day of May and the 14th day of June, 1909, *King, Waters & Page*, appearing for the applicant, and *Frederick E. Converse*, attorney for the village of Palmyra, and S. H. Hunt, president of said village, for said village. Now upon the aforesaid petition and accompanying papers, and the evidence at the hearings and after due deliberation, it is

Ordered: 1. That Palmyra Gas and Electric Company be and it is hereby authorized to execute and deliver to Ithaca Trust Company, or some other suitable trust company, as trustee, a mortgage upon all its property and franchises to secure the payment of its forty-year 5 per cent bonds to the aggregate amount of one hundred thousand dollars ($100,000), the form of said mortgage to be submitted to this Commission for its approval before execution and delivery thereof.

Ordered: 2. That the said Palmyra Gas and Electric Company be and it is hereby authorized to issue its forty-year 5 per cent bonds to the aggregate amount of sixty thousand dollars par value, to be sold at not less than 90 per cent of the par value thereof and accrued interest, the proceeds of the

sale of said bonds to be used for the following purposes and no others: to wit, (*a*) For the discharge of certain notes of said corporation now outstanding, the names of the holders and respective amounts thereof being as follows: State Bank Newark, N. Y., $400.00; State Bank Newark N. Y., $375.00; State Bank Newark, N. Y., $250.00; State Bank Newark, N. Y., $375.00; State Bank Newark, N. Y., $250.00; State Bank Newark, N. Y., $875.00; State Bank Newark, N. Y., $800.00; Cornell University, $20,000.00; William T. Morris, $12,000.00: total $35,525.00; (*b*) For the extension and improvement of its plant and distributing system as set forth in its petition and particularly schedule B annexed thereto. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 3. That upon the payment of the said outstanding notes amounting to $35,525 with proceeds upon the sale of bonds hereby authorized, the applicant's present outstanding issue of 5 per cent bonds maturing January 1, 1935, under a mortgage to the Ithaca Trust Company as trustee, amounting to $40,000 (the whole of which issue stands pledged as collateral security for the payment of said notes and will be released by said payment), shall be canceled, and the applicant herein shall thereafter immediately have the mortgage under which the said present outstanding bonds were issued, discharged of record, and file a certified copy of the duly recorded satisfaction of said mortgage with this Commission.

Ordered: 4. This authorization is made upon the following conditions: (*a*) That the aforesaid mortgage shall contain a provision for creating a sinking fund for the amortization of the bonds to be issued under said mortgage, which provision shall be in the words and figures following: "That it will create, maintain, and provide a sinking fund towards the payment and redemption of the bonds to be issued under and secured by this mortgage, said sinking fund to be provided, maintained, and applied as follows: to wit, on the first day of July, 1911, and on the first day of January and July in each year thereafter until the maturity of the said bonds, the company will pay to the trustee an amount equal to one-half per cent (½%) of the aggregate amount of the bonds outstanding on the first day of the month immediately preceding the first day of January or the first day of July on which the particular payment is to be made. The trustee shall semiannually, upon such dates as it may deem best, apply the moneys in the sinking fund so far as the amount thereof will permit, to the purchase of the bonds hereby secured, at a price not to exceed one hundred and five per cent (105%) of the par value thereof and interest accrued to the date of such purchase. Prior to such purchase the trustee shall give notice to all bondholders in the manner hereinafter described, of its intention so to apply the proceeds of the sinking fund and inviting offerings of said bonds at a price not to exceed one hundred and five per cent (105%) of the par value thereof and accrued interest. Such notice shall be sent by mail to all registered holders of said bonds and shall also be published once a week for three weeks in a newspaper of general circulation in the city of New York and one in the village of Palmyra, New York. From the bonds offered in response to such notice the trustee shall purchase such bonds as are offered at the lowest price not exceeding the price above set forth. If sufficient bonds shall not be offered in response to such notice within such time as shall be specified therein, which shall be not less than two (2) weeks from the last publication thereof, at a price not exceeding one hundred and five per cent (105%) of the par value and accrued interest, the trustee may purchase said bonds wherever the same may be obtained at a price not exceeding that above named. If said bonds can not be purchased at a price not exceeding that above named, the moneys in the sinking fund shall be accumulated in the hands of the trustee and added to the sinking fund for future investment in accordance with the terms hereof. The company shall have the same right as any bondholder to offer said sinking fund the bonds issued and secured under this mortgage. The bonds of the company which shall be acquired for the sinking fund shall, as soon as acquired by the trustee, be conspicuously

and indelibly stamped on their face as follows: 'Received for the sinking fund and no longer negotiable or transferable'. And the date of their receipt by the trustee shall be plainly noted thereon, and the coupons for interest thereto belonging and attached shall be defaced or canceled by perforations or punctures through the name of the treasurer. Said bonds shall remain in full force as valid and binding obligations of the company as an investment of and for the sinking fund, and the interest thereon and sinking fund therefor shall continue to be paid by the company to the trustee in the same manner and at the same time that payment of interest and sinking fund would be made if the bonds were held or owned by any other party or parties. The sinking fund shall, subject to the preceding provisions hereof, be applied by the trustee for the payment in full, so far as it will go, of the bonds, principal and interest, when the principal falls due. Any surplus, after the payment of principal and interest, shall be turned over to the Company."

(*b*) That the said mortgage shall also contain a provision and covenant on the part of the said Palmyra Gas and Electric Company that it will during each year hereafter, beginning July 1, 1909, pay over to the said trustee mentioned in said mortgage or its successor not less than twenty per cent of the net corporate income of the company for said year, such payment to be continued for a period of five years; and that thereafter the said Palmyra Gas and Electric Company shall in like manner and for the purposes hereinafter set forth pay over to said trustee not less than twenty-five per cent (25%) of the net corporate income of the said company during each year for a period of five years; and thereafter said Palmyra Gas and Electric Company shall pay over to said trustee for the purposes hereinafter set forth not less than thirty per cent (30%) of the net corporate income of the said company during each year for a further period of five years; and thereafter the Palmyra Gas and Electric Company shall pay over to the said trustee or its successor not less than forty per cent (40%) of the net corporate income of the company for the year ensuing the completion of the fifteen years hereinabove provided for; such payment to be continued from year to year until there has been paid to the said trustee sums which together with any income, interest, or other profits arising from the fund shall amount to the sum of $3525; said moneys so paid to said trustee or its successor shall be termed investment fund, and shall be disposed of as follows: The trustee shall keep the same well and properly invested and may from time to time pay over the whole or any part thereof to the said Palmyra Gas and Electric Company, to be used for additions and betterments to the plant and distributing system of said corporation, such payment to be made to said company for said purposes upon an order of the Public Service Commission, Second District, of the State of New York, or such other state department or commission as may from time to time have supervision and jurisdiction over said company. Whenever said investment fund shall have amounted to the said sum of $3525, in the manner aforesaid, including therein any moneys which may have been paid to the company pursuant to the order of the Public Service Commission as aforesaid, it shall be turned over to the said Palmyra Gas and Electric Company free from any obligation of the said trust, to be held by it without further condition or limitation. That whenever any sum shall be paid by the corporation to the trustee for the said fund, such amount shall be charged to the account carried by it upon its books called investment fund, and at the same time credited to such fixed capital account as the Public Service Commission shall direct, with proper adjusting entries; and whenever any moneys from said investment fund shall be paid over to the company and invested in additions and betterments, such amounts shall be credited to investment fund and charged to the appropriate fixed capital account.

(*c*) That the said company shall annually during the month of July in each year, beginning July 1, 1910, make sworn report to the Public Service Commission of all proceedings pursuant to this order with respect to the investment fund.

Ordered: 5. That before issuing any of the bonds hereby authorized the applicant notify the Commission, in writing, whether the terms of this order are accepted and will be obeyed.

Ordered: 6. That Palmyra Gas and Electric Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[*See* Case No. 855, page 679.]

[Case No. 853]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 8th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of ITHACA GAS LIGHT COMPANY for authority to issue bonds under section 69 of the Public Service Commissions Law.

Ithaca Gas Light Company having on the 6th day of October, 1909, filed with this Commission its duly verified petition, verified on the 27th day of September, 1909, wherein and whereby it asks that the order of this Commission heretofore made in the above entitled matter on the 27th day of August, 1909, be modified; and it appearing that the modification prayed for by said petition is not a modification so far as relates to the substance of the said order or of the requirements of the Commission, but relates only to the length of time to be given to said company in which to comply with the requirements of this Commission; now upon said petition, and upon the petitions heretofore filed in this proceeding, and upon the evidence taken at the hearings heretofore had herein, and after due deliberation, it is

Ordered: That the order heretofore made herein by this Commission on the 27th day of August, 1909, be and the same hereby is modified so as to read as follows:

Ithaca Gas Light Company filed with the Commission its petition under section 69 of the Public Service Commissions Law for authority to issue its 5 per cent 40-year gold bonds to the amount of $750,000, of which $240,000 are to be presently issued, said total issue of bonds to be secured by petitioner's trust mortgage. The petition was thereafter amended, reducing the amount of the bonds from $750,000 to $400,000, and fixing the date of the mortgage as July 1, 1909, instead of January 1, 1909. Hearings were had at the Capitol in the city of Albany, May 12 and June 14, 1909, *King, Waters & Page* appearing for the applicant, and *P. F. McAllister* for the city of Ithaca. Now upon said petition and accompanying papers, and the evidence at said hearings, and after due deliberation, it is

Ordered: 1. That the Ithaca Gas Light Company be and it is hereby authorized to issue its 5 per cent forty-year gold bonds to the amount of $260,000 par value, said bonds to be sold at not less than 90 per cent of said par value. That the proceeds of said bonds to be used for the following pur-

poses, and no others: (*a*) $200,000 to discharge or refund existing and outstanding bonds of the said company to that amount, said bonds now outstanding constituting the total bonded indebtedness of said Ithaca Gas Light Company, being fully described as follows: first mortgage bonds of said company dated November 1, 1901, and maturing November 1, 1931, secured by a mortgage upon the property of said company to the Ithaca Trust Company as trustee; (*b*) $27,400 to the discharge of certain promissory notes of said company which are described and set forth in full in schedule B annexed to the petition of the company for this authorization; (*c*) the remainder of said proceeds for additions and betterments to the plant and distributing system of the said corporation. That in the opinion of the Commission the capital to be secured by the said issue of bonds is reasonably required for the aforesaid purposes of the corporation.

Ordered: 2. That the said Ithaca Gas Light Company be and it is hereby authorized to execute to the Ithaca Trust Company as trustee, a mortgage upon its entire property to secure the payment of its 5 per cent forty-year gold bonds to the amount of $400,000, said mortgage to be approved before execution by this Commission. The authorization to execute and deliver the said mortgage not to be construed as an authorization to issue any bonds upon the security thereof except the aforesaid bonds to the amount of $260,000 without the further authorization of this Commission upon proper application made therefor.

Ordered: 3. This authorization is made upon the following conditions: (*a*) That the aforesaid mortgage shall contain a provision for creating a sinking fund for the amortization of the bonds to be issued under said mortgage, which provision shall be in the words and figures following: "That it will create, maintain, and provide a sinking fund towards the payment and redemption of the bonds to be issued under and secured by this mortgage, said sinking fund to be provided, maintained, and applied as follows: to wit. on the first day of July, 1911, and on the first day of January and July in each year thereafter until the maturity of the said bonds, the company will pay to the trustee an amount equal to one-half per cent (½%) of the aggregate amount of the bonds outstanding on the first day of the month immediately preceding the first day of January or the first day of July on which the particular payment is to be made. The trustee shall semiannually, upon such dates as it may deem best, apply the moneys in the sinking fund so far as the amount thereof will permit, to the purchase of the bonds hereby secured, at a price not to exceed one hundred and five per cent (105%) of the par value thereof and interest accrued to the date of such purchase. Prior to such purchase the trustee shall give notice to all bondholders in the manner hereinafter described, of its intention so to apply the proceeds of the sinking fund and inviting offerings of said bonds at a price not to exceed one hundred and five per cent (105%) of the par value thereof and accrued interest. Such notice shall be sent by mail to all registered holders of said bonds and shall also be published once a week for three weeks in a newspaper of general circulation in the city of New York and one in the city of Ithaca, New York. From the bonds offered in response to such notice the trustee shall purchase such bonds as are offered at the lowest price not exceeding the price above set forth. If sufficient bonds shall not be offered in response to such notice within such time as shall be specified therein, which shall be not less than two (2) weeks from the last publication thereof, at a price not exceeding one hundred and five per cent (105%) of the par value and accrued interest, the trustee may purchase said bonds wherever the same may be obtained at a price not exceeding that above named. If said bonds can not be purchased at a price not exceeding that above named, the moneys in the sinking fund shall be accumulated in the hands of the trustee and added to the sinking fund for future investment in accordance with the terms hereof. The company shall have the same right as any bondholder to offer said sinking fund the bonds issued and secured under this mortgage. The bonds of the company which shall be acquired for the sinking fund shall, as soon as acquired by the trustee, be conspicuously and indelibly stamped on their face as follows:

'Received for the sinking fund and no longer negotiable or transferable'. And the date of their receipt by the trustee shall be plainly noted thereon, and the coupons for interest thereto belonging and attached shall be defaced or canceled by perforations or punctures through the name of the treasurer. Said bonds shall remain in full force as valid and binding obligations of the company as an investment of and for the sinking fund, and the interest thereon and sinking fund therefor shall continue to be paid by the company to the trustee in the same manner and at the same time that payment of interest and sinking fund would be made if the bonds were held or owned by any other party or parties. The sinking fund shall, subject to the preceding provisions hereof, be applied by the trustee for the payment in full, so far as it will go, of the bonds, principal and interest, when the principal falls due. Any surplus, after the payment of principal and interest, shall be turned over to the company."

(*b*) That the said mortgage shall also contain a provision and covenant on the part of the said Ithaca Gas Light Company that it will during each year hereafter, beginning July 1, 1909, pay over to the said trustee mentioned in said mortgage or its successor not less than twenty per cent of the net corporate income of the company for said year, such payment to be continued for a period of five years; and that thereafter the said Ithaca Gas Light Company shall in like manner and for the purposes hereinafter set forth pay over to said trustee not less than twenty-five per cent (25%) of the net corporate income of the said company during each year for a period of five years; and thereafter said Ithaca Gas Light Company shall pay over to said trustee for the purposes hereinafter set forth not less than thirty per cent (30%) of the net corporate income of the said company during each year for a further period of five years; and thereafter the Ithaca Gas Light Company shall pay over to the said trustee or its successor not less than forty per cent (40%) of the net corporate income of the company for the year ensuing the completion of the fifteen years hereinabove provided for; such payment to be continued from year to year until there has been paid to the said trustee sums which together with any income, interest, or other profits arising from the fund shall amount to the sum of $90,000; said moneys so paid to said trustee or its successor shall be termed investment fund, and shall be disposed of as follows: The trustee shall keep the same well and properly invested and may from time to time pay over the whole or any part thereof to the said Ithaca Gas Light Company, to be used for additions and betterments to the plant and distributing system of said corporation, such payment to be made to said company for said purposes upon an order of the Public Service Commission, Second District, of the State of New York, or such other state department or commission as may from time to time have supervision and jurisdiction over said company. Whenever said investment fund shall have amounted to the said sum of $90,000 in the manner aforesaid, including therein any moneys which may have been paid to the company pursuant to the order of the Public Service Commission as aforesaid, it shall be turned over to the said Ithaca Gas Light Company free from any obligation of the said trust, to be held by it without further condition or limitation. That whenever any sum shall be paid by the corporation to the trustee for the said fund, such amount shall be charged to the account carried by it upon its books called investment fund, and at the same time credited to such fixed capital account as the Public Service Commission shall direct, with proper adjusting entries; and whenever any moneys from said investment fund shall be paid over to the company and invested in additions and betterments, such amounts shall be credited to investment fund and charged to the appropriate fixed capital account.

(*c*) That the said mortgage shall contain a further provision, that when said investment fund hereinbefore mentioned shall have been paid over to the company, that a further investment fund shall be created to the amount of $20,000, to be treated in the same manner and subject to all the conditions and provisions as the investment fund to the amount of $90,000.

(*d*) That the said company shall annually, during the month of July each year, beginning with July, 1910, make sworn report to the Public Service Commission of all proceedings pursuant to this order with respect to the investment fund.

Ordered: 4. That before issuing any of the bonds hereby authorized the applicant notify the Commission, in writing, whether the terms of the order are accepted and will be obeyed.

Ordered: 5. That Ithaca Gas Light Company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said bonds authorized by this order or any part thereof, the fact of such sale, the terms and conditions of sale, and the amount realized therefrom; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted; and that such reports shall be made until all the proceeds of said bonds have been expended.

[*See* Case No. 853, page 675.]

[Case No. 1269]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the POUGHKEEPSIE LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $100,000 in bonds to be secured by its existing first mortgage.

The Poughkeepsie Light, Heat and Power Company having filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $100,000 in bonds to bear 5 per cent interest per annum, and to be secured by the existing first mortgage of said company given to the North American Trust Company (now Trust Company of America) as trustee; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on September 27, 1909, *Gould & Wilkie* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Poughkeepsie Light, Heat and Power Company be and it is hereby authorized, pursuant to section 69 of the Public Service Commissions Law, to issue under its first mortgage dated November 1, 1901, executed to North American Trust Company as trustee, the balance of unissued bonds under said mortgage, aggregating $100,000 par value; that the capital to be secured by the issue of said bonds be used for the following purposes and no others: to wit, (*a*) the discharge and funding of its bills payable incurred for extensions and improvements to its plant and property, amounting to $82,439.41; (*b*) the balance, to the extent thereof, to be applied in payment for further construction, extension, and improvement of its plants and distributing system, the total estimated cost of which is $276,658, as set forth and specified in schedule B annexed to and made a part of its petition in this matter.

Ordered: 2. That said bonds be sold at not less than 95 per cent of their par value and accrued interest; that in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation.

Ordered: 3. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $100,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 95 per cent of their par value and accrued interest; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1279]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the PLATTSBURGH GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law, for authority to execute a mortgage and to issue bonds to be secured thereby.

The Plattsburgh Gas and Electric Company having on October 2, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to execute a mortgage for $500,000, and to issue now $340,000 par value in 5 per cent thirty-year bonds of the denomination of $1000 each to be secured by said mortgage; and a public hearing on said petition, after due notice, having been filed by this Commission in the city of Albany on October 11, 1909, *Weeds, Conway & Cotter* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Plattsburgh Gas and Electric Company be and it hereby is authorized to execute a first mortgage upon all its property and franchises to the Manhattan Trust Company as trustee, to secure the payment of five hundred 5 per cent thirty-year gold bonds of the par value of $1000 each, interest payable semiannually, said mortgage to be in the form submitted with the petition for this authorization.

Ordered: 2. That said company be and it hereby is authorized to issue presently upon the security of said mortgage 340 of said bonds, of the total par value of $340,000, said bonds to be sold at not less than 92 per cent of their par value, and the proceeds of said bonds to be used for the following purposes only: (*a*) for the discharge or refunding of an outstanding issue of the bonds of the Plattsburgh Light, Heat and Power Company to the amount of $125,000, said bonds being dated October 1, 1895, and maturing October 1, 1915, said bonds to be retired and discharged without the payment of any premium thereon; (*b*) for the discharge or refunding of the 5 per cent thirty-year gold bonds issued by the Lozier Light and Power Company upon the security of a mortgage executed to Standard Trust Company

of New York as trustee to the amount of $100,000, said bonds being dated November 1, 1904, and maturing November 1, 1934, said bonds to be retired and discharged without the payment of any premium thereon; (*c*) for the discharge or refunding of two bonds of one thousand dollars each of the Plattsburgh Light, Heat and Power Company dated April 1, 1908, issued pursuant to the authorization of this Commission dated April 28, 1908; all of said bonds being indebtedness of the said Plattsburgh Gas and Electric Company and secured by mortgages which are liens upon its property; (*d*) to pay indebtedness of the said corporation to the amount of $65,734.59, which indebtedness was incurred in the construction of additions and betterments to the property of said corporation; (*e*) to construct certain extensions to its gas distributing system particularly described in the application for this authorization, of the estimated cost of $28,392.58; that in the opinion of the Commission the use of the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation;

Ordered: 3. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $340,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 92 per cent of their par value; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said mortgage bonds, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1278]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the A. L. SWETT ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law, for authority to execute and deliver certain coupon sheets and to assume mortgage indebtedness amounting to $74,500 on the former property of the Albion Power Company.

Whereas, The petitioner herein on or about the 10th day of September, 1909, acquired upon a foreclosure sale certain property, contracts, rights, and effects formerly owned by the Albion Power Company; and

Whereas, In partial settlement for the property thus purchased by said petitioner, the petitioner has agreed to assume and guarantee certain bonds of the said Albion Power Company amounting to $74,500, secured by a mortgage to the amount of $75,000 to the Fidelity Trust Company of Buffalo; and

Whereas, The Fidelity Trust Company of Buffalo, trustee in said mortgage named, has agreed, and bondholders of said bonds have consented, to the extension of the time of payment upon the same for a period of ten years from the 1st of September, 1909, on condition that the petitioner should issue coupon sheets to be attached to the said bonds, severally agreeing to pay the interest upon said bonds at and after the rate of 5 per cent per annum semiannually as and when the same become due, and to assume

the payment of said bonds to the amount of $74,500, and to pay the same at the end of their extended period; and

Whereas, The petitioner has asked for an order of this Commission authorizing the petitioner to execute and deliver the coupon sheets above referred to and also to assume and become responsible for and pay the mortgage indebtedness above mentioned, amounting to $74,500; and

Whereas, In further settlement of the purchase price of the property of the Albion Power Company above referred to, the petitioner agreed to pay to the bondholders committee of the said Albion Power Company the sum of $31,500 in cash as part of the purchase price of the property hereinbefore referred to; and

Whereas, In order to procure the said sum of $31,500 it became necessary for the petitioner to raise the same upon a loan secured by the first mortgage bonds of the petitioner to the amount of $45,000, which said bonds have been heretofore issued by the petitioner and placed as collateral to said loan, which said loan was made upon the credit of the petitioner, and also on the credit of A. L. Swett, the president of the petitioner, individually; and

Whereas, The petitioner has filed a supplemental petition dated October 18, 1909, asking for the approval of this Commission to the placing with the lender of said $31,500, of $45,000 first mortgage bonds of the petitioner as collateral thereto; and

Whereas, It was further agreed between the petitioner and the said bondholders committee that the petitioner would execute and deliver, in further settlement for the purchase price of said property of the Albion Power Company, its first mortgage bonds to the amount of $43,000; and

Whereas, It has been shown at the hearing held herein that the said $43,000 first mortgage bonds of the petitioner were loaned to the petitioner by A. L. Swett, the president of the petitioner, individually, or by parties united with him in interest; and

Whereas, The petitioner in its said supplemental petition hereinbefore referred to asks that this Commission authorize the petitioner, whenever the loans amounting to $31,500 have been liquidated by it and the bonds placed as collateral therefor have been returned to it, to be allowed to reimburse the said A. L. Swett, president of the petitioner, by delivering to him $43,000 par value of its aforesaid bonds loaned and advanced by him, or by parties united with him in interest; and a hearing upon the two petitions having been had, at which hearing the facts as hereinbefore stated were established; now

Ordered: 1. That this Commission hereby approves of the execution, issuance, and delivery by the petitioner of coupon sheets and guaranty in the form submitted by the petitioner and filed with the papers of record in this case, which said coupon sheets and guaranty shall be delivered by the petitioner to the Fidelity Trust Company of Buffalo, trustee, for the benefit of the first mortgage bondholders of the Albion Power Company, to the amount of not to exceed $74,500, which said coupon sheets in terms substantially agree that the interest on said $74,500 is to be paid at the rate of 5 per cent per annum for a period of ten years from the 1st day of September, 1909, and which said guaranty in form guarantees and agrees to pay off and discharge the bonds amounting to $74,500 hereinbefore referred to.

Ordered: 2. That this Commission hereby permits and approves the issuance by this petitioner and deposit as collateral security with the lenders to the petitioner of the sum of $31,500 above referred to, of $45,000 par value of the first mortgage bonds of the petitioner, which said bonds have already been issued by the petitioner and placed as collateral to said loan, and that the act of the petitioner in the issuance and placing of said bonds as collateral be and the same is hereby authorized.

Ordered: 3. That upon the payment and discharge of the sum of $31,500 loaned to it as aforesaid, and the return to the petitioner of the said bonds amounting in par value to $45,000, the permission and approval of this Com-

mission is hereby given to the petitioner to issue to the said A. L. Swett, president of the petitioner, first mortgage bonds to the amount of $43,000 par value, to reimburse him for the amount of personal bonds heretofore loaned by him to the petitioner to be used in part payment of the purchase price of the Albion Power Company, as hereinbefore set forth; that said bonds may, in the opinion of the petitioner, be turned over to the said A. L. Swett proportionately as they may be taken up by it upon payment of any portion of the said $31,500 above referred to. The use of the capital to be secured by the issuance of said coupon sheets and guaranty, and the placing of the said sum of $45,000 par value of the first mortgage bonds of the petitioner as collateral, and the said issuance and delivery of the $43,000 par value of the first mortgage bonds of the petitioner, being in the opinion of this Commission reasonably required for the purposes of the corporation, to wit, the acquisition of the property of the Albion Power Company hereinbefore set forth.

Ordered: 4. That the guaranty of said sum of $74,500 and the issuance of the bonds of the par value of $88,000 hereinbefore referred to, shall be used only for the purchase of the property of the Albion Power Company, which property is particularly described and set forth in a schedule submitted by the petitioner and attached to the supplemental petition herein, with the exception of such part of the Waterport plant so called as may be included in said schedule, which was not taken by the petitioner herein under its option as expressed in agreement between A. L. Swett and the bondholders committee, embodied in the proposition dated June 11, 1909, submitted by said Swett to the committee representing the bondholders of the Albion Power Company and accepted by them.

Ordered: 5. That said company shall make verified reports to this Commission, as follows: (*a*) upon the execution, issuance, and delivery by the petitioner of said coupon sheets and guaranty, said facts, accompanied by verified copies of the coupon sheets and guaranty; (*b*) upon the issuance of said bonds, in accordance with the terms of this order, the facts in relation to said issuance.

[Case No. 1292]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the HILTON ELECTRIC LIGHT, POWER AND HEAT COMPANY under section 69 of the Public Service Commissions Law, for authority to issue common capital stock.

The Hilton Electric Light, Power and Heat Company having on October 6, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue common capital stock; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Buffalo on October 22, 1909, *George Y. Webster* appearing for the petitioner, and no one else appearing; and it appearing at said hearing that the petitioner desires to issue $5000 in its common capital stock for purposes hereinafter named; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That Hilton Electric Light, Power and Heat Company be and it is hereby authorized to issue its capital stock to the amount of $5000 par

value, the proceeds of said stock to be used for the following purposes only: to wit, the construction of its generating plant and distributing system, and for expenses of incorporation and working capital; that in the opinion of the Commission the use of the capital to be secured by the issue of said stock is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $5000 capital stock or any part thereof, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than the par value of said capital stock; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said capital stock, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all of the proceeds of said capital stock have been expended, pursuant to the terms of this order.

[Case No. 1329]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the NORTHERN WESTCHESTER LIGHTING COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $124,000 in bonds to be secured by an existing mortgage.

The Northern Westchester Lighting Company having on November 18, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $124,000 in 5 per cent gold bonds of the denomination of $1000 each, maturing June 1, 1955, secured by a mortgage dated June 1, 1905, of said company to the Colonial Trust Company; and a hearing on said petition having been held by this Commission in the city of Albany on said date, *F. A. Stratton* appearing for the petitioner; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Northern Westchester Lighting Company be and it is hereby authorized to issue its 5 per cent gold bonds maturing June 1, 1955, secured by a mortgage of said company to the Colonial Trust Company, mortgage dated June 1, 1905, to the amount of $124,000 par value. That the said bonds be sold at not less than 90 per cent of their par value. That the capital secured by the sale of said bonds shall be used for the following purposes and no other: to wit, to discharge certain indebtedness of said company incurred in making additions and betterments to its plant and distributing system, said additions and betterments being described in the schedules annexed to the application for this authorization, and said indebtedness being embraced in the notes set forth in exhibit C annexed to the said petition, or in renewals of said notes. That in the opinion of the Commission the capital to be secured by the issue of said bonds is reasonably required for the said purposes of the corporation. That until said bonds, the issue of which is hereby authorized, can be sold, they may be pledged by the said corporation as collateral security for the said notes which are to be discharged with the proceeds of said bonds when sold.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the pledging of said $124,000 in mortgage bonds or any of them as collateral for any of the indebtedness described in said exhibit C, the fact of such pledging, and in each case for what particular indebtedness described in said exhibit C the bonds or any of them are pledged; (*b*) upon the sale of said $124,000 in mortgage bonds or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than 90 per cent of their par value; (*c*) upon the expenditure of proceeds of said $124,000 in mortgage bonds for the discharge of indebtedness described in said exhibit C, the particular indebtedness discharged; and said reports shall be made until all of the proceeds of said $124,000 in mortgage bonds have been expended, in accordance with the terms of this order.

[Case No. 1344]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 16th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Petition of the AUBURN GAS COMPANY under section 69 of the Public Service Commissions Law, for authority to issue $100,000 in 5 per cent debentures.

The Auburn Gas Company having on November 22, 1909, filed with this Commission its petition under section 69 of the Public Service Commissions Law, for authority to issue $100,000 in 5 per cent debentures; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on December 15, 1909, *Lansing G. Hoskins* appearing for the petitioner, and no one else appearing; now upon the aforesaid petition, papers filed, and evidence at the hearing, and after due deliberation, it is

Ordered: 1. That the Auburn Gas Company be and it is hereby authorized to issue its debenture bonds bearing interest at the rate of 5 per cent per annum, payable in twenty years from the date, redeemable at any time at the option of the company on sixty days' notice at 105 and accrued interest, to the amount par value of $100,000, said debenture bonds to be sold at par; the proceeds of said bonds to be used for the following purposes only: (*a*) $9000 for the payment of the principal of three notes of the said Auburn Gas Company: one note for $2000 dated September 2, 1909, payable three months after date to the order of the National Bank of Auburn; one note for $5000 dated October 9, 1909, payable three months after date to the order of the National Bank of Auburn; one note for $2000 dated November 17, 1909, payable three months after date to the order of the National Bank of Auburn; it satisfactorily appearing that the avails of said notes were used for additions and betterments to the plant and property of the said Auburn Gas Company; (*b*) debentures to the amount par value of $91,000 for the acquisition of property and the extension and improvement of its plant and distributing system, as follows: 22,000 feet of 4-inch mains, $16,500; one 6-foot U. G. I. water gas set of 450,000 cubic feet capacity per day, $10,000; one gas-holder of 400,000 cubic feet capacity, $50,000; the extension of services in connection with the aforesaid new mains to the estimated amount of $6000, and the purchase of new meters to the estimated amount of $10,000;

that in the opinion of the Commission the capital to be secured by the issue of said debenture bonds is reasonably required for the said purposes of the corporation.

Ordered: 2. That said company shall make verified reports to this Commission, as follows: (*a*) upon the sale of said $100,000 in debentures or any of them, the fact of such sale, the terms and conditions of sale, and the amounts realized therefrom which shall not be less than par; (*b*) at the termination of each and every period of six months from the date of this order, the disposition and use made of the proceeds of said debentures, setting forth in reasonable detail the purposes to which the proceeds have been devoted, in accordance with the terms of this order; and that such reports shall be made until all the proceeds of said debentures have been expended, in accordance with the terms of this order.

APPENDIX O

In the Matter of Applications and Complaints, Not Classified, Electrical Corporations and Gas Corporations.

APPENDIX O

[Case No. 458]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 13th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the BOARD OF EDUCATION OF THE VILLAGE OF CANDOR, Tioga county, *against* EUREKA GAS COMPANY.

Whereas, In the matters of the order of this Commission directing the Eureka Gas Company of Candor, Tioga county, to show cause why a new generator should not be installed in its plant, and the machinery and apparatus overhauled and repaired and maintained in good condition, it appearing in the report of Chief Inspector Stone dated November 4, 1908, and in affidavits and letters filed by the secretary of said company that the repairs and improvements recommended have been made, it is

Ordered: That the matter be and is hereby closed on the record.

[Case No. 643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 27th day of January, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of safety and service in the operation of the gas and electric plant and system of the PORT JERVIS ELECTRIC LIGHT, POWER, GAS AND RAILROAD COMPANY.

After due deliberation it is

Ordered: That the specifications submitted by the Port Jervis Electric Light, Power, Gas and Railroad Company for a switchboard to be installed in its electric light plant at Port Jervis, at a cost not to exceed $4950, be and is hereby approved; provided however (1) that the synchronizer be mounted on the swinging voltmeter bracket on either end of the board; (2) that the street railway panel marked as "K" in the tracing be mounted at least 3 feet from the instruments on the generator panels.

[Case No. 793]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 15th day of March, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of reports by BINGHAMTON RAILWAY COMPANY.

Whereas, The Binghamton Railway Company incidentally operates, in connection with its sub-station located in the village of Endicott, a small electric light plant which provides municipal and commercial lighting for the village of Endicott, the total revenues from which during the year ended June 30, 1908, were below $5000, it is

Ordered: 1. That until further notice the said Binghamton Railway Company be and hereby is relieved from making reports as an electrical corporation for the calendar years; in lieu of such reports it shall be and hereby is required to make full report concerning such operations in its annual report as a street railroad corporation for the year ending June 30th.

Ordered: 2. That until further notice the said Binghamton Railway Company be and hereby is allowed to keep its accounts covering such lighting operates in connection with the said plant at Endicott upon such condensed scheme of accounts as it may find best adapted to its circumstances, provided that such scheme of accounts be harmonious with the orders of this Commission relative to accounts of electrical corporations, and that there be filed forthwith in the office of this Commission a statement defining the said accounts so to be kept and that such statement meet the approval of this Commission.

[Case No. 722]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF CLYDE, Wayne county, *against* WAYNE COUNTY ELECTRIC COMPANY for alleged failure to light the streets of said village since January 16, 1909, pursuant to agreement.

Whereas, In the matter of the complaint of the board of trustees of the village of Clyde against the Wayne County Electric Company for neglect and failure to light the streets of said village, pursuant to its franchise and contract, a hearing having been had February 16, 1909, at which the directors of said company stipulated and agreed to take steps forthwith to remedy the conditions complained against, and a communication dated March 31, 1909, having been received from complainants, stating that the matter has been adjusted to the satisfaction of the village, it is

Ordered: That the case be and is hereby closed on the record.

[Case No. 723]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of April, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF LYONS, Wayne county, *against* WAYNE COUNTY ELECTRIC COMPANY for alleged failure to light the streets of said village since January 16, 1909, pursuant to agreement.

Whereas, In the matter of the complaint of the board of trustees of the village of Lyons against the Wayne County Electric Company for neglect and failure to light the streets of said village pursuant to its franchise and contract, a hearing having been had February 16, 1909, at which the directors of said company stipulated and agreed to take steps forthwith to remedy the conditions complained against, and a communication dated March 22, 1909, having been received from complainants, stating that the matter has been adjusted to the satisfaction of the village, it is

Ordered: That the case be and is hereby closed on the record.

[Case No. 173]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the MAYOR OF THE CITY OF ONEIDA *against* EMPIRE STATE POWER COMPANY, HUDSON RIVER ELECTRIC POWER COMPANY, MADISON COUNTY GAS AND ELECTRIC COMPANY.

Whereas, In the matter of the complaint of the mayor of the city of Oneida against the Empire State Power Company, Hudson River Electric Power Company, and Madison County Gas and Electric Company, upon hearing had January 31, 1908, an adjournment without date was taken subject to the right of complainant to request a further hearing, and with the understanding that briefs would be filed within thirty days of the date of adjournment by the respective parties hereto; and

Whereas, Attorney for complainant under date of February 28, 1908, requested that the matter be held open for an additional thirty days from March 31, 1908, pending the consummation of proposed arrangements by Madison County Gas and Electric Company for the betterment of its electric service through the purchase of electricity; and

Whereas, Upon the same ground attorney for complainant, under date of March, 26, 1908, requested a further postponement of proceedings until on or after June 2, 1908; and

Whereas, Complainant has since March 26, 1908, neglected and failed to move for further proceedings or for a determination, and has at no time filed the brief requested by the Commissison to be submitted, it is therefore

Ordered: That the matter be and is hereby closed upon the record, without prejudice to further proceedings if sufficient reasons therefor be made to appear by complainant.

[Case No. 217]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 12th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CUSTOMERS FOR ELECTRICITY IN THE TOWN OF ORANGETOWN, Rockland county, and the TOWN BOARD OF SAID TOWN, under section 71 of the Public Service Commissions Law, *against* ROCKLAND LIGHT AND POWER COMPANY, as to price.

After due deliberation it is

Ordered: That the matter of this complaint be and hereby is closed on the records of this Commission, no requests having been received for further prosecution of this case.

[Case No. 80]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the VILLAGE OF BROCKPORT *against* BROCKPORT GAS LIGHT COMPANY.

Whereas, In the matter of the complaint of the village of Brockport against the Brockport Gas Light Company, the Commission was informed in a communication dated March 9, 1908, received from the secretary of said company, that negotiations were under way for a settlement of the case; and

Whereas, Theodore S. Dean, attorney for complainants, under date of September 26, 1908, and in answer to an inquiry from the Commission as to the status of the proceedings, advised that the same company had added to, improved, and modernized its plant, and as a result of these improvements was giving the consumers fair service; and

Whereas, Since September 26, 1908, no further communication has been received from complainant in the matter; and the complaint not having been moved for trial, it is therefore

Ordered: That said complaint of the village of Brockport against the Brockport Gas Light Company be deemed to be and is hereby closed upon the record.

[Case No. 456]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the LOSEE DRUG COMPANY of Scottsville *against* SCOTTSVILLE ELECTRIC LIGHT AND GAS COMPANY.

Whereas, Upon the complaint, answer, and evidence taken upon the hearing on the complaint of the Losee Drug Company against the Scottsville Electric Light and Gas Company, the following facts appear to the satisfaction of this Commission: 1, the Scottsville Electric Light and Gas Company is an electrical corporation duly organized under the laws of the State of New York, and as such is subject to the provisions of the Transportation Corporations Law; 2, by an agreement with the village of Scottsville dated the 10th day of November, 1904, duly made, the said Scottsville Electric Light and Gas Company agreed to light the streets of said village for a term of five years, and among other things agreed with said village as follows: "Said party of the second part (said company) hereby further agrees that upon the application of any person residing in said village it will furnish the necessary wires, fixtures, and appliances to install electric lights in the dwelling or place of business of the person or persons so applying, and that it will furnish electric lights for dwellings and places of business in said village"; 3, that the said Scottsville Electric Light and Gas Company did, pursuant to said agreement, install in said village a plant for generating and supplying electric current for lighting purposes, and is now and has been carrying on business as an electrical corporation in said village; 4, the Losee Drug Company, the complainant, is a copartnership doing a drug business in said village of Scottsville, and having its store or place of business within 100 feet of the wires of the Scottsville Electric Light and Gas Company used as its transmission main; that said electrical corporation began furnishing electrical current for lighting purposes to said drug company in the year 1905, and continued so to do until about the month of May, 1908, at or about which month it discontinued the service to said drug company, and has since refused to supply to said Losee Drug Company electricity for lighting purposes although at all times operating its plant in said village and supplying other customers; 5, that said Losee Drug Company duly demanded of said Scottsville Electric Light and Gas Company that it supply to it at its said store and place of business, electric current for lighting purposes, which the said company without any just or lawful reason refused and still refuses to do; and

Whereas, Upon said complaint, answer, and evidence at the hearing, this Commission finds that in refusing to supply electric current to the Losee Drug Company as hereinbefore recited, the said Scottsville Electric Light and Gas Company does not operate its plant in compliance with the provisions of law and of its franchise from the village of Scottsville; it is

Ordered: 1. That the said Scottsville Electric Light and Gas Company be and hereby is required and directed to connect its transmission wires with the electrical wiring of the said Losee Drug Company in its said store or place of business, and supply to the said Losee Drug Company electricity for lighting purposes upon the same terms and conditions that it supplies electric current to other customers in said village.

Ordered: 2. That this order shall take effect on the 1st day of June, 1909, and shall continue in force until modified or abrogated by this Commission.

Ordered: 3. That within five days from the service upon it of a certified copy of this order, said Scottsville Electric Light and Gas Company shall notify this Commission whether the terms of this order are accepted and will be obeyed by said company.

[Case No. 203]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 26th day of May, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the UPPER HUDSON ELECTRIC COMPANY *against* ATLANTIC LIGHT AND POWER COMPANY, relative to unlawful exercise of franchise.

Whereas, It appears that the Atlantic Light and Power Company obtained franchises from the town of Coeymans in May, 1907, and prior to July 1, 1907, installed electric service in the village of Coeymans, and also extended its line to New Baltimore in said town, but had not before that date actually established service in that village; and

Whereas, It appears that since the hearing of this case the said company has established what is apparently full service in the said village of New Baltimore and is operating there as well as in the village of Coeymans; and

Whereas, The application to this Commission prays for the institution of judicial proceedings to enjoin the said company from doing business in said villages, but it appearing that the said company has been and is exercising in good faith its said franchises; now upon consideration, and following the general ruling laid down by the Commission in *Oswegatchie Light and Power Company* v. *Northern Power Company*, 1 P. S. C. Rep. 350, it is

Ordered: That the said application be and is hereby denied.

[Case No. 519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 8th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CITIZENS AND PROPERTY OWNERS RESIDING UPON AND EAST OF TEALL AVENUE IN THE CITY OF SYRACUSE *against* the SYRACUSE LIGHTING COMPANY, asking that said company lay gas mains and supply gas to the public in the territory in question.

Whereas, Application having been made by upwards of eighty residents and taxpayers of the city of Syracuse for an order of this Commission requiring

the Syracuse Lighting Company of said city to extend its gas distributing system to and through that section of the city known and described as the James Street Heights Section, wherein applicants reside; and a hearing having been duly had thereon; and

Whereas, Under date of June 2, 1909, the Syracuse Lighting Company, by its vice-president and general manager, having stipulated in writing to extend its gas mains into and along Teall avenue in said district, and to make such extension within three months from the date thereof, unless prevented by unforeseen adverse conditions; now therefore it is

Ordered: That the matter of this application, entitled "Complaint of citizens and property owners residing upon and east of Teall avenue in the city of Syracuse against the Syracuse Lighting Company, asking that said company lay gas mains and supply gas to the public in the territory in question," be and the same is hereby closed upon the records, without prejudice however to the same being reopened upon the neglect or failure of said Syracuse Lighting Company to make and complete the aforesaid extension of its gas mains as stipulated on or before September 2, 1909.

[*See* Case No. 519, page 712 and page 714.]

[Case No. 393]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the MAYOR OF THE CITY OF HUDSON *against* ALBANY AND HUDSON RAILROAD COMPANY, as to the price of gas in the city of Hudson.

After due deliberation it is

Ordered: That this complaint be and hereby is closed on the records of this Commission, attorneys for the city advising that Mayor James C. Armstrong desires the proceeding discontinued and abandoned.

[Case No. 748]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 24th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of HARVEY E. ROBERTS, HAROLD T. HOLMES, and GEORGE H. HOLMES *against* THE PERRY ELECTRIC LIGHT COMPANY for alleged discrimination in rates charged for electric service.

After due deliberation it is

Ordered: That the above entitled complaint be and is hereby closed on the records, it appearing from letter of complainants that the respondent company has ceased to commit the acts complained against.

[Case No. 987]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of June, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Petition of the MAYOR AND CORPORATION COUNSEL OF THE CITY OF PORT JERVIS, as a committee of the common council of that city, in relation to the safety and service of the gas and electric light plants and street railroad service in said city.

A petition having been filed with this Commission by the mayor and corporation counsel of the city of Port Jervis, as a committee of the common council of that city, in relation to the safety and service of the gas and electric light plants and street railroad service in said city, a copy of which petition is hereto annexed, it is

Ordered: That the Port Jervis Electric Light, Power, Gas and Railroad Company, Port Jervis, N. Y., and the bondholders reorganization committee of the Port Jervis Electric Light, Power, Gas and Railroad Company to whom the properties are alleged to have been sold under foreclosure proceedings: namely, F. R. Pemberton, chairman, 35 Wall St., New York city; John E. Daily, secretary, 15 Broad St., New York city; and Thomas H. Milson, 528 29th St., Paterson, N. J.; and D. R. Thomas, manager of said company and said to be acting as agent of said bondholders reorganization committee, Port Jervis, N. Y.; and Thomas Watts, Middletown, N. Y.; and Alexander Ulrich, Catasauqua, Penna.; who, this Commission is informed, have been and are associated with said bondholders reorganization committee, and each of them, show cause before this Commission at the office of the Commission in the Capitol, Albany, on Friday, July 9, 1909, at 2 o'clock p. m., why the prayer of said petition should not be granted, and why order should not be entered directing that the said plants and railroad be put in safe operating condition and so repaired or renewed that adequate and proper service to the public shall be rendered.

[Case No. 574]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 1st day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the order to show cause directed against the CATSKILL ILLUMINATING AND POWER COMPANY.

After due deliberation it is

Ordered: That the matter of the order to show cause directed against the Catskill Illuminating and Power Company be and is hereby closed upon the records, it appearing therein that improvements and betterments made by the company to its plant have enabled it to manufacture and distribute gas in compliance with the required standards of purity.

[Case No. 1017]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 20th day of July, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of a recommendation of this Commission made under date of March 10, 1909, to the MEXICO ELECTRIC COMPANY.

Ordered: That the Mexico Electric Company be and is hereby directed to submit to this Commission on or before July 31, 1909, a statement in writing showing in detail the repairs and improvements made to its distributing system pursuant to the recommendation of this Commission made March 10, 1909, in the matter of correspondence complaint No. 1707, said report to show in particular: (1) the number, size, and location of new poles set on the line from the power house to the village; (2) the number, size, and location of new poles set elsewhere in the village; and (3) the number, size, and location of new cross-arms set.

[Case No. 1015]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Requiring the RIVERHEAD ELECTRIC LIGHT COMPANY to improve its plant and property.

Whereas, It appears from the records on file in this office that the Riverhead Electric Light Company was on the 20th day of July, 1909, ordered to show cause before this Commission on the 28th day of July, 1909, why certain improvements should not forthwith be made to its plant and property as recommended in the report of Charles F. Hunter dated July 19, 1909, a copy of said report being attached to and made a part of said order; and

Whereas, The Riverhead Electric Light Company on the return day of said order was directed to comply on or before August 28, 1909, with the recommendations made by said Charles F. Hunter and contained in his report aforesaid; now, on reading and filing the affidavit of Charles F. Hunter verified September 2, 1909, wherein it appears that inspection of the plant and property of the Riverhead Electric Light Company made by him on August 30, 1909, disclosed that said company had failed and neglected to comply with the directions of the Commission as made aforesaid, and had neglected and failed to make the improvements to its plant and property as recommended in the said report of Charles F. Hunter, or any part thereof, and after due deliberation, it is

Ordered: That the Riverhead Electric Light Company be and is hereby directed to make and complete on or before the expiration of fourteen days from the service of this order upon said company, each and all of those certain improvements to its plant and property as summarized and set forth at the hearing held in this matter July 28, 1909, as follows: to wit, no primary wires to be used less than No. 6 Brown and Sharpe gauge copper,

triple braid weatherproof insulation; no secondary wires to be used of less than No. 8 Brown and Sharpe gauge copper, triple braid weatherproof insulation; ten inch clearance to be maintained between all wires; all electric light poles to be stenciled or otherwise plainly marked for identification; all unused pole type lightning arresters to be removed from poles; all defective poles and cross-arms to be removed; all secondaries in signal wires to be removed from contact with primary circuits; all dead wires to be removed.

[*See* Case No. 1015, page 713.]

[Case No. 1016]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a meeting of the Public Service Commission, Second District, held at the Capitol in the city of Albany on the 8th day of September, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Requiring the HALLETT LIGHT AND POWER COMPANY to improve its plant and property.

Whereas, It appears from the records on file in this office that the Hallett Light and Power Company was on the 20th day of July, 1909, ordered to show cause before this Commission on the 28th day of July, 1909, why certain improvements should not forthwith be made to its plant and property as recommended in the report of Charles F. Hunter dated July 19, 1909, a copy of said report being attached to and made a part of said order; and

Whereas, The Hallett Light and Power Company on the return day of said order was directed to comply on or before August 28, 1909, with the recommendations made by said Charles F. Hunter and contained in his report aforesaid; now, on reading and filing the affidavit of Charles F. Hunter verified September 2, 1909, wherein it appears that inspection of the plant and property of the Hallett Light and Power Company made by him on August 30, 1909, disclosed that said company had failed and neglected to comply with the directions of the Commission as made aforesaid, and had neglected and failed to make the improvements to its plant and property as recommended in said report of Charles F. Hunter, or any part thereof, and after due deliberation, it is

Ordered: That the Hallett Light and Power Company be and is hereby directed to make and complete on or before the expiration of fourteen days from the service of this order upon said company, each and all of those certain improvements to its plant and property as summarized and set forth at the hearing in this matter held July 28, 1909, as follows: to wit, no primary wires to be used less than No. 6 Brown and Sharpe gauge copper, triple braid weatherproof insulation; no secondary wires to be used of less than No. 8 Brown and Sharpe gauge copper, triple braid weatherproof insulation; ten inch clearance to be maintained between all wires; all electric light poles to be stenciled or otherwise plainly marked for identification; all unused pole type lightning arresters to be removed from poles; all defective poles and cross-arms to be removed; all secondaries in signal wires to be removed from contact with primary circuits; all dead wires to be removed.

[*See* Case No. 1016, page 713.]

[Case No. 916]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1909

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of Requiring the WAYLAND ELECTRIC LIGHT AND POWER COMPANY to provide and keep in and upon its premises certain suitable apparatus for testing electric meters.

Ordered: That the matter of requiring the Wayland Electric Light and Power Company to provide and keep in and upon its premises certain suitable apparatus for testing electric meters be and is hereby closed, it appearing upon examination of the plant made on or about September 7, 1909, that the respondent has fully complied with the recommendation in the matter made by the Commission.

[Case No. 1057]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 6th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Complaint of JOHN A. WEBSTER *against* SOUTH SHORE NATURAL GAS AND FUEL COMPANY, asking for a supply of gas at the house occupied by him on the main road in the town of Sheridan, Chautauqua county, N. Y.

Whereas, In the matter of the complaint of John A. Webster against the South Shore Natural Gas and Fuel Company, asking for a supply of gas in the premises occupied by him in the town of Sheridan, Chautauqua county, a communication dated October 2, 1909, has been received from complainant's counsel stating that said South Shore Natural Gas and Fuel Company has installed gas service in the house of said complainant, and stating that no objection now holds to the dismissal of the proceeding at this time, it is

Ordered: That the case be and is hereby closed on the records.

[Case No. 519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 7th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CITIZENS *and* PROPERTY OWNERS RESIDING UPON AND EAST OF TEALL AVENUE IN THE CITY OF SYRACUSE *against* SYRACUSE LIGHTING COMPANY, asking that said company lay gas mains and supply gas to the public in the territory in question.

Whereas, By reason of an order of the Commissioner of Public Works of the city of Syracuse, the Syracuse Lighting Company has been forbidden to open any streets having pavements until September 19, 1909; and

Whereas, Said order has interfered with the completion of the Teall avenue extension in said city of Syracuse; it is therefore

Ordered: That the order of the Commission dated June 8, 1909, requiring the completion of said extension on or before September 2, 1909, be and is hereby modified to allow said Syracuse Lighting Company until November 1, 1909, to complete said extension.

[*See* Case No. 519, page 706 and page 714.]

[Case No. 1300]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 19th day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
Commissioners.

In the Matter of the Exercise by the TWIN STATE GAS AND ELECTRIC COMPANY of rights and privileges under a franchise in the village of Hoosick Falls. — Order to show cause.

Whereas, The Twin State Gas and Electric Company, a foreign corporation with principal place of business at Hartford, Conn., is supplying electricity for lighting and power purposes in the village of Hoosick Falls, Rensselaer county, New York state; and

Whereas, Said company has filed a report with this Commission for the year 1908, wherein it appears that on August 26, 1908, it acquired by merger the franchise, works, and system of the Hoosick Falls Illuminating Company, a domestic corporation furnishing electricity for light and power in said village of Hoosick Falls; and

Whereas, The consent of this Commission was not given to said merger, nor has this Commission given its permission or approval to said Twin State Gas and Electric Company to the exercise of any rights or privileges under any franchise in this State, pursuant to the requirements of section 68 of the Public Service Commissions Law; now therefore it is

Ordered: That the said Twin State Gas and Electric Company be and is hereby required to show cause before this Commission, at its hearing room in the Capitol at Albany, at 2 o'clock in the afternoon on the 26th day of October, 1909, or as soon thereafter as counsel may be heard, why it is exercising rights and privileges under the franchise in the village of Hoosick Falls acquired as aforesaid, or any other franchise, and why it is transacting business as an electrical corporation in said village without the permission or approval of this Commission.

[Case No. 1015]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Requiring the RIVERHEAD ELECTRIC LIGHT COMPANY to improve its plant and property.

Whereas, Inspection of plant and system of Riverhead Electric Light Company made October 6, 1909, showed that said company has complied with the order of this Commission dated September 8, 1909, it is

Ordered: That the case be and is hereby closed on the records.

[*See* Case No. 1015, page 709.]

[Case No. 1016]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 21st day of October, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Requiring the HALLETT LIGHT AND POWER COMPANY to improve its plant and property.

Whereas, Inspection of the plant and system of the Hallett Light and Power Company made October 6, 1909, showed that said company has complied with the order of this Commission dated September 8, 1909, it is

Ordered: That the case be and is hereby closed on the records.

[*See* Case No. 1016, page 710.]

[Case No. 398]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 18th day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Requiring the DELHI ELECTRIC COMPANY of the village of Delhi, county of Delaware, to make certain improvements and to maintain and operate its property for the security of the public.

After due deliberation it is

Ordered: That the matter of the Delhi Electric Company be and is hereby closed on the records, examination of the plant made on November 13, 1909, having shown substantial compliance by respondent company with the recommendations of the Commission.

[Case No. 519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 22nd day of November, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of CITIZENS AND PROPERTY OWNERS RESIDING UPON AND EAST OF TEALL AVENUE IN THE CITY OF SYRACUSE *against* SYRACUSE LIGHTING COMPANY, asking that said company lay gas mains and supply gas to the public in the territory in question.

After due deliberation it is

Ordered: That the matter of the complaint of residents and property owners residing upon Teall avenue, Syracuse, against the Syracuse Lighting Company, relative to laying of gas mains and supplying gas, be and is hereby closed on the records, it appearing to the satisfaction of the Commission upon information contained in a communication dated November 17, 1909, from respondent company, that the extension of gas mains to the locality in question has been made and that the service of gas is now reasonably available to the residents thereof.

[*See* Case No. 519, page 706 and page 712.]

[Case No. 80*a*]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 14th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
THOMAS M. OSBORNE,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Complaint of the VILLAGE OF BROCKPORT *against* ALBION POWER COMPANY.

Whereas, In the matter of the complaint of the village of Brockport against Albion Power Company it appears that the A. L. Swett Electric Light and Power Company has succeeded to the interests of the Albion Power Company in the plant and distribution system for furnishing electricity in the village,

Ordered: That the matter be and is hereby closed on the record, without prejudice to complainant to institute proceedings anew against the A. L. Swett Electric Light and Power Company.

[Case No. 1041]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 28th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of the Application of the VILLAGE OF WATERFORD to compel the Troy Gas Company to furnish gas to the people of the village of Waterford.

After due deliberation it is

Ordered: That the matter of the application of the village of Waterford to require Troy Gas Company to furnish gas in the village of Waterford be and is hereby closed on the record, the matters complained against having been satisfied.

[Case No. 1014]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held at the Capitol, Albany, on the 30th day of December, 1909.

Present:
FRANK W. STEVENS, Chairman,
MARTIN S. DECKER,
JAMES E. SAGUE,
JOHN B. OLMSTED,
Commissioners.

In the Matter of Requiring THE RED HOOK LIGHT AND POWER COMPANY to provide and keep in and upon its premises certain suitable apparatus for testing electric meters.

After due deliberation it is

Ordered: That the matter of requiring The Red Hook Light and Power Company to provide and keep in and upon its premises certain suitable apparatus for testing electric meters be and is hereby closed upon the record, it appearing that the company has placed an order in accordance with recommendations of the Commission.

APPENDIX P

In the Matter of Changes in Scheduled Tariffs on Short Notice.

APPENDIX P

Section 29 of the Public Service Commissions Law provides that for good cause shown the Commission may allow changes in rates without requiring the thirty days' notice and publication therein provided for, "by duly filing and publishing in such manner as it may direct an order specifying the changes so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the common carrier".

Under this section of the Law, during the fiscal year ended December 31, 1909, the Commission issued special permits for short notice tariffs as follows, the office order No., the date, and the name of the corporation making the application therefor preceding the formal order:

No. 747; January 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 5027, and establish a regulation providing that switching charges of connecting line at Green Island, N. Y., Schenectady, N. Y., and Troy, N. Y., will be absorbed as follows: On all carload freight except coal, coke, live stock, and dressed meats, maximum switching charge of thirty (30) cents per ton, minimum fifteen (15) tons, will be absorbed when minimum revenue is one dollar and forty cents ($1.40) per ton, instead of one dollar and fifty cents ($1.50) per ton as tariff now reads, no change to be made in items shown in tariff covering absorption of connecting line switching charges at Green Island, N. Y., when minimum revenue is two dollars and forty cents ($2.40) per ton, nor in items covering absorption of connecting line switching charges at Troy, N. Y., when minimum revenue is two dollars ($2) or two dollars and forty cents ($2.40) per ton; provided that a tariff containing said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 5037, in lieu of supplement No. 1 rejected by the Commission, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 747, of date January 4, 1909."

Complete by supplement No. 2 to P. S. C. No. 5027, effective January 7, 1909.

No. 748; January 4, 1909; Application of West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 1312, and establish a regulation providing that switching charges of connecting line at Green Island, N. Y., Schenectady, N. Y., and Troy, N. Y., will be absorbed as follows: On all carload freight

except coal, coke, live stock, and dressed meats, maximum switching charge of thirty (30) cents per ton, minimum fifteen (15) tons, will be absorbed when minimum revenue is one dollar and forty cents ($1.40) per ton, instead of one dollar and fifty cents ($1.50) per ton as tariff now reads, no change to be made in items shown in tariff covering absorption of connecting line switching charges at Green Island, N. Y., when minimum is two dollars and forty cents ($2.40) per ton, nor in items covering absorption of connecting line switching charges at Troy, N. Y., when minimum revenue is two dollars ($2) or two dollars and forty cents ($2.40) per ton; provided that a tariff containing said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 1312, in lieu of supplement No. 1 rejected by the Commission, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 748."

Complete by supplement No. 2 to P. S. C. No. 1312, effective January 7, 1909.

No. 749; January 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of one dollar and fifteen cents ($1.15) per gross ton of two thousand two hundred forty pounds (2240 lbs.) on Scrap, Iron or Steel; Borings, Iron or Steel; and Turnings, Iron or Steel; in carloads, minimum weights as per official classification P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, from Solvay, N. Y., and Syracuse, N. Y., to Fullers, N. Y., and Guilderland Center, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5136, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be January 23, 1909. Such tariff shall be so filed and posted not later than January 13, 1909, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 749, of date January 4, 1909."

Complete by P. S. C. No. 5136, effective January 23, 1909.

No. 750; January 4, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of one dollar and fifteen cents ($1.15) per gross ton of two thousand two hundred forty (2240) pounds, on Scrap, Iron or Steel; Borings, Iron or Steel; and Turnings, Iron or Steel; in carloads, minimum weights as per official classification P. S. C., 2 N. Y., No. 1326, and supplements thereto or superseding issues thereof, from Syracuse, N. Y., to Fullers, N. Y., and Guilderland Center, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1353, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be January 23, 1909. Such tariff shall be so filed and posted not later than January 13, 1909, and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 750, of date January 4, 1909."

Complete by P. S. C. No. 1353, effective January 23, 1909.

No. 751; January 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of four (4) cents per one

hundred pounds on Cider and Vinegar, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, from North Tonawanda, N. Y., to Buffalo, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5141, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 751, of date January 4, 1909."

Complete by P. S. C. No. 5141, effective January 7, 1909.

No. 752; January 7, 1909; Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company, lessee Western New York and Pennsylvania railway, also as operating the Northern Central railway, lessee Elmira and Lake Ontario railroad and Elmira and Williamsport railroad, for itself, locally and also jointly, and on behalf as initial carriers for the Genesee and Wyoming Railroad Company, Jamestown, Chautauqua and Lake Erie Railway Company, Newark and Marion Railway Company, New York and Pennsylvania Railway Company, Penn Yan, Keuka Park and Branchport Railway, and The Pittsburg, Shawmut and Northern Railroad Company, be and is hereby authorized to establish, in connection with the following named corporations as participating carriers: Bath and Hammondsport Railroad Company, Buffalo and Susquehanna Railway Company, Buffalo, Attica and Arcade Railroad Company, Buffalo, Rochester and Pittsburgh Railway Company, The Delaware and Hudson Company, The Delaware, Lackawanna and Western Railroad Company, Erie Railroad Company (East and West); Genesee and Wyoming Railroad Company, Jamestown, Chautauqua and Lake Erie Railway Company, The Lake Shore and Michigan Southern Railway Company, Lehigh Valley Railroad Company, Newark and Marion Railway Company, New York and Pennsylvania Railway Company, The New York Central and Hudson River Railroad Company, The New York, Chicago and St. Louis Railroad Company, New York, Ontario and Western Railway Company, Penn Yan, Keuka Park and Branchport Railway, The Pittsburg, Shawmut and Northern Railroad Company, Rutland Railroad Company, West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), regulations providing transportation rules governing the shipment of articles to be described as High Explosives; also the following classifications: High Explosives, in carloads, twenty thousand (20,000) pounds or over, first class; less than carloads, double first class; with minimum charge for any single shipment of one dollar ($1); Masurite, carloads, twenty thousand (20,000) pounds or over, second class; less than carloads, one and one-half times first class; provided that a tariff containing said transportation rules and classifications is filed with the Commission as G. O. P. S. C., 2 N. Y., No. 122, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be January 18, 1909. Such tariff shall be so filed and posted not later than January 13, 1909, and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 752, of date January 7, 1909."

Complete by G. O. P. S. C. No. 122, effective January 18, 1909.

No. 753; January 7, 1909; Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That the Pittsburg, Shawmut and Northern railroad (Frank Sullivan Smith, Receiver) be and is hereby authorized to reissue the rates contained in tariff P. S. C., 2 N. Y., No. 140, making no change in said rates except to correct typographical error in a rate applying to interstate commerce; provided that a tariff containing said rates is filed with the Commission as P. S. C., 2 N. Y., No. 143, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be January 22, 1909. Such tariff shall be so filed and posted not

later than January 19, 1909, and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 753, of date January 7, 1909."

Complete by P. S. C. No. 143, effective January 22, 1909.

No. 754; January 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of five (5) cents per one hundred pounds on Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, from Canton, N. Y., to Watertown, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5155, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than January 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 754, of date January 9, 1909."

Complete by P. S. C. No. 5155, effective January 16, 1909.

No. 755; January 9, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to reissue the rates contained in tariff P. S. C., 2 N. Y., No. 1268, applying on Logs, carloads, to Hazel, N. Y., from Cadosia, N. Y., and Keery's Switch, N. Y., and establish the same rates on per net ton basis instead of on per one hundred pounds basis; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1270, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be February 3, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 755, of date January 9, 1909."

Complete by P. S. C. No. 1270, effective February 3, 1909.

No. 756; January 9, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to reissue tariff P. S. C., 2 N. Y., No. 669, to add the following articles to list of Iron and Steel Articles taking manufactured Iron and Steel rates as is provided in the tariff: Castings in barrels, boxes, or in bulk in gunny bags, l. c. l. (Note 2); Castings each weighing 15 lbs. or over, l. c. l. (Note 2); Castings securely wired together, in bundles, weighing 15 lbs. or over per bundle, l. c. l. (Note 2); Fastenings, Cross Tie (Steel), which consist of Bolt, Clip Nut, and Washer, used in holding the rail to the tie; Guides, Elevator (for Elevator Shafts) (Iron or Steel); Ingot Moulds, l. c. l.; Tees and Zees (Iron or Steel); Under-frames, Car, l. c. l. and c. l. (c. l. minimum weight 30,000 lbs.); Wire Rope (Iron or Steel) on reels or in coils, loose, or in bundles or barrels; also to change items on pages 2 and 3, reading "Belting, Chain or Link (Iron or Steel), in barrels," to read: "Belting, Chain or Link (Iron or Steel), in barrels or boxes"; and on page 3, now reading: "Sheet (Note 10)," to read: "Sheet (U. S. Standard Gauge No. 10 or higher) (Note 10)"; and to correct the governing clause of title page to read: "Governed by Rules and Regulations of Official Classification No. 33 (D. O. Ives I. C. C. O. C. No. 33), (P. S. C., 2 N. Y., No. 675), supplements thereto or superseding issues thereof, except as otherwise noted herein"; provided that a tariff containing such reissued and additional items and changes is filed with the Commission as P. S. C., 2 N. Y., No. 700, and posted at stations at least five (5) days prior to the effective date

specified in such tariff, which effective date shall be February 1, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 756, of date January 9, 1909."

Complete by P. S. C. No. 700, effective February 1, 1909.

No. 757; January 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish switching charge at DeKalb Junction, N. Y., on Ice, carloads, from connection with Adirondack and Saint Lawrence railroad, to siding of Mutual Milk and Cream Company, of three dollars and fifty cents ($3.50) per car; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5169, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 757, of date January 9, 1909."

Complete by P. S. C. No. 5169, effective January 12, 1909.

No. 758; January 11, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to reissue the rates contained in tariff P. S. C., 2 N. Y., No. 107, applying on Pulpwood, carloads, and establish carload minimum of ten (10) cubic cords; provided that a tariff containing said carload rates and carload minimum is filed with the Commission and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 758, of date January 11, 1909."

Complete by P. S. C. No. 114, effective January 15, 1909.

No. 759; January 11, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per net ton on Sand, Moulding, carloads, minimum weight to be marked capacity of car, but not less than forty thousand (40,000) pounds, from Rensselaer, N. Y., to Ossining, N. Y., said rate to expire with close of business February 8, 1909, and tariff to refer for future rates to supplement No. 6 to P. S. C., 2 N. Y., No. 3271; provided that a tariff containing said rates is filed with the Commission and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than January 19, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 759, of date January 11, 1909."

Complete by P. S. C. No. 5187, effective January 18, 1909.

No. 760; January 11, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty-five dollars ($35) each on Locomotives, set-up, not under steam, and moved on own wheels, from Carthage, N. Y., to Rome, N. Y.; provided that a tariff containing said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5168, and posted at stations at least one (1) day prior to the effective date specified in such

tariff, which effective date shall be not later than January 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 760, of date January 11, 1909."

Complete by P. S. C. No. 5168, effective January 15, 1909.

No. 761; January 13, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to establish on shipments of Ice, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 675, or exceptions thereto P. S. C., 2 N. Y., No. 660, and supplements thereto or superseding issues thereof, from Little York, N. Y., the rates in cents per net ton to New York state stations, as follows: Solvay, Lakeside, Stiles, Baldwinsville, 60; Lamsons, South Granby, Fulton, Minetto, 75; and from Jamesville, N. Y., to Oswego, N. Y., 75; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to tariff P. S. C., 2 N. Y., No. 639, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than January 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 761, of date January 13, 1909."

Complete by supplement 2 to P. S. C. 639, effective January 18, 1909.

No. 762; January 15, 1909; The Baltimore and Ohio Railroad Company:

Ordered: That The Baltimore and Ohio Railroad Company be and is hereby authorized to establish at New York, N. Y., the Car Service Rules and Regulations of the New York and New Jersey Car Service Association; provided that a tariff containing said rules and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 10, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 762, of date January 15, 1909."

Complete by P. S. C. No. 10, effective January 26, 1909.

No. 763; January 15, 1909; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to establish rate of sixty-five (65) cents per book for School Commutation Ticket Books containing twenty (20) one-way fare tickets, good in either direction from any point in the town of Westfield, N. Y., to the village of Westfield, N. Y., on the Dunkirk and Fredonia division of said railroad; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than January 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 763, of date January 15, 1909."

Complete by P. S. C. No. 5, effective January 22, 1909.

No. 764; January 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of six (6) cents per one hundred pounds on Grain and Grain Products, as per list and minimum

carload weights shown in tariff P. S. C., 2 N. Y., No. 4753, and supplements thereto or superseding issues thereof, from Ransomville, N. Y., and Ashwood, N. Y., to Sodus, N. Y., the said or lower rate also to apply to or from intermediate points, all points of origin to be specified in the tariff; provided that a tariff containing said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5199, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 764, of date January 15, 1909."

Complete by P. S. C. No. 5199, effective January 21, 1909.

No. 765; January 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate on Fire Brick and Boilers, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, of two (2) cents per one hundred pounds, and on less carloads four (4) cents per one hundred pounds, from Carthage, N. Y., to Newton Falls, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5203, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 765, of date January 15, 1909."

Complete by P. S. C. 5203, effective January 22, 1909.

No. 766; January 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct tariff P. S. C., 2 N. Y., No. 4155, adding thereto the following application of commodity rates: "Whenever a commodity rate is established it removes the application of the class rates between the same points on that commodity"; provided that a tariff containing said correction is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 4155, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be February 6, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 766, of date January 15, 1909."

Complete by supplement No. 2 to P. S. C. 4155, effective February 6, 1909.

No. 767; January 16, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), to establish rate of one dollar and ninety cents ($1.90) per net ton on Cement, Common, Hydraulic, Natural, or Portland, in carloads, minimum weight fifty thousand (50,000) pounds, except when capacity of car is less, in which case the actual capacity of the car will govern, but in no case will the minimum carload weight be less than thirty thousand (30,000) pounds, from Howes Cave, N. Y., to Georgetown, N. Y., via South Schenectady, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1847, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the

date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 767, of date January 16, 1909."

Complete by P. S. C. No. 1847, effective January 20, 1909.

No. 768; January 20, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized, in connection with the Boston and Maine Railroad, to establish on carload shipments of the commodities named herein, maximum and minimum weights governed by provisions of tariff P. S. C., 2 N. Y., No. 1559, supplements thereto or superseding issues thereof, and governed by the rules and regulations of official classification P. S. C., 2 N. Y., No. 1812, and supplements thereto or superseding issues thereof, except as otherwise provided in tariff, the rates, in cents per net ton, from New York state stations on The Delaware and Hudson Company to Mechanicville, N. Y., including delivery to West Virginia Pulp and Paper Company via Mechanicville, N. Y., as follows: On Lime, from Glens Falls, 70; on Lumber, from Sandy Hill, 80; on Stone (Broken), from Chazy, 95; on Wood (Pulp) from Addison Junction, 70; Arnold, 100; Ausable Forks, 100; Baldwin, 70; Ballston, 50; Ballston Lake, 50; Beckmantown, 100; Bloomingdale (Paul Smith's) 120; Cadyville, 100; Cambridge, 80; Chazy, 100; Chazy Lake, 100; Clemons, 70; Comstocks, 60; Cooperville, 100; Corinth, 60; Crown Point, 70; Dannemora, 100; Delano Junction, 70; Douglass, 85; Dresden, 70; Essex, 80; Fort Ann, 60; Fort Edward, 60; Fort Ticonderoga, 80; Gansevoort, 60; Glens Falls, 60; Granville, 70; Greenfield, 60; Hadley, 60; Harkness, 100; Kings, 60; Lake George, 60; Lake Kushaqua, 120; Lake Placid, 130; Lapham's Mills, 100; Loon Lake, 120; Lyon Mountain, 110; Middle Granville, 70; Mooer's Junction, 100; Morrison, 100; North Creek, 70; Onchiota, 120; Peru, 100; Plattsburgh, 85; Plumadore, 110; Port Henry, 70; Port Kent, 85; Putnam, 70; Ray Brook, 130; Riverside, 70; Round Lake, 50; Rouses Point, 100; Russia, 100; Salem, 80; Salmon River, 100; Sandy Hill, 60; Saranac Lake, 130; Sciota, 100; Shushan, 80; Smith's Basin, 60; South Corinth, 60; Standish, 110; Stony Creek, 60; The Glen, 70; Thurman, 60; Twin Ponds, 110; Valcour, 85; Vermontville, 120; Wadhams, 80; Warrensburg, 70; West Chazy, 100; Westport, 80; Whallonsburgh, 80; Whitehall, 70; Willsborough, 85; Wolf Pond, 110; Wrights, 70; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1861, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be February 1, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 768, of date January 20, 1909."

Complete by P. S. C. No. 1861, effective February 1, 1909.

No. 769; January 20, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized, in connection with The New York Central and Hudson River Railroad Company, to amend tariff P. S. C., 2 N. Y., No. 1793, applying on Lumber and Forest Products, adding to list of stations to which rates apply "New York (to points within lighterage limits of New York harbor), N. Y.," such points to take the same rates as are provided in the tariff, shown in rate group No. 3 as applying to Brooklyn, N. Y.; provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1793, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than January 28, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 769, of date January 20, 1909."

Complete by supplement to P. S. C. No. 1793, effective January 26, 1909.

No. 770; January 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Cinders, carloads, minimum weight fifty thousand (50,000) pounds, from Black Rock, N. Y., to Getzville, N. Y., and Transit, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5215, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 770, of date January 20, 1909."

Complete by P. S. C. No. 5215, effective January 29, 1909.

No. 771; January 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish as switching charge at Charlotte, N. Y., between Buffalo, Rochester and Pittsburgh Railway Company's connection and sidings within switching limits on east side of the Genesee river, rate of thirty (30) cents per net ton, minimum carload weight fifteen (15) net tons; said rate not to apply in coal or coke shipments; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5220, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than February 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 771, of date January 20, 1909.

Complete by P. S. C. No. 5220, effective February 2, 1909.

No. 772; January 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Cayuga, N. Y., to Brighton, N. Y.; said rate to be issued in a tariff to expire with the close of business February 19, 1909, and refer for future rates to tariff P. S. C., 2 N. Y., No. 5211; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5227, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than January 27, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 772, of date January 21, 1909."

Complete by P. S. C. No. 5227, effective January 25, 1909.

No. 773; January 21, 1909; upon application of The New York Central and Hudson River Railroad Company, filed January 21, 1909, for itself and on behalf of all other carriers subject to the jurisdiction of and filing with the Commission the schedule known as Official Classification No. 33, and for good cause shown, it is

Ordered: That all corporations subject to the jurisdiction of and filing with the Commission the schedule known as Official Classification No. 33, be and are hereby authorized to establish classification of second class on Chinaware, n. o. s., in boxes, and Porcelain-ware, n. o. s., in boxes; provided that a schedule containing said changes is filed with the Commission as

supplement No. 3 to the serial P. S. C. number under which each carrier has filed the official classification No. 33, and posted at stations at least three (3) days prior to the effective date specified therein, which effective date shall be February 1, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 773, of date January 21, 1909."

No. 774; January 22, 1909; Rochester and Eastern Rapid Railway Company:

Ordered: That the Rochester and Eastern Rapid Railway Company be and is hereby authorized to establish the local fares for one-way and round-trip tickets, school commutation tickets, special Geneva commutation tickets, coupon tickets interchangeable and local, and chartered car rates, together with the rules and regulations governing the tariff as are set forth in the application for this order, which application is hereby made a part of this order; provided that a tariff naming said rates of fare and rules and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 7, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 4, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 774, of date January 22, 1909."

Complete by P. S. C. No. 7, effective February 1, 1909.

No. 775; January 22, 1909; Rochester and Sodus Bay Railway Company:

Ordered: That the Rochester and Sodus Bay Railway Company be and is hereby authorized to establish the local fares for one-way and round-trip tickets, school commutation tickets, summer excursion fares, coupon tickets interchangeable and local, and chartered car rates, together with the rules and regulations governing the tariff as are set forth in the application for this order, which application is hereby made a part of this order; provided that a tariff naming said rates of fare and rules and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 5, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 4, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 775, of date January 22, 1909."

Complete by P. S. C. No. 5, effective February 1, 1909.

No. 776; January 22, 1909; Rochester and Eastern Rapid Railway Company:

Ordered: That the Rochester and Eastern Rapid Railway Company be and is hereby authorized, in connection with the Geneva, Waterloo, Seneca Falls and Cayuga Lake Traction Company, to establish joint one-way and round-trip fares, in cents per ticket, to Waterloo, N. Y., from New York state stations, as follows:

From	One-way.	Round-trip.
Bushnells Basin	68	119
Canandaigua	38	69
Pittsford	73	129
Rochester	85	149
Seneca Castle	21	39
Victor	55	99
and to Seneca Falls, N. Y., from		
Bushnells Basin	73	129
Canandaigua	43	79
Pittsford	78	139
Rochester	90	159
Seneca Castle	26	49
Victor	60	109

provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 8, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 4, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 776, of date January 22, 1909."

Complete by P. S. C. No. 8, effective February 1, 1909.

No. 777; January 25, 1909; Bath and Hammondsport Railroad Company:

Ordered: That the Bath and Hammondsport Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per net ton on Ice, carloads, minimum weight twenty-five (25) tons, from Bath, N. Y., to Hammondsport, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 13, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 5, 1909. Such tariff shall be so filed and posted within ten days (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 777, of date January 25, 1909."

Complete by P. S. C. No. 13, effective January 28, 1909.

No. 778; January 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to reissue its tariff P. S. C., 2 N. Y., No. 5191, and correct in the rate table the rates under heading "Less than Carloads" to read "Carloads," and the rates under heading "Carloads" to read "Less than Carloads"; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5226, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be February 16, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 778, of date January 25, 1909."

Complete by P. S. C. No. 5226, effective February 16, 1909.

No. 779; January 27, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight as per P. S. C., 2 N. Y., No. 1084, supplements thereto or superseding issues thereof, the rates, in cents per net ton, from and to New York state stations, as follows:

From	To	Cents.
Narrowsburg	Cochecton	25
New Hampton	Otterkill (Chester)	25
New Hampton	Thompson Ridge	30
New Hampton	Turner	25
Monroe	Oxford (Depot)	25

also a rate of five (5) dollars per car from New Hampton, N. Y., (Ponds), to New Hampton, N. Y., (Ice Houses); provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1118, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 779, of date January 27, 1909."

Complete by P. S. C. No. 1118, effective January 30, 1909.

No. 780; January 27, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized, in connection with the Raquette Lake Railway Company, to establish rate of one (1) dollar per cord on Pulpwood, carloads, minimum ten (10) cords, from Eagle Bay, N. Y., to Hinkley, N. Y., via Clearwater, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5249, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 780, of date January 27, 1909."

Complete by P. S. C. No. 5249, effective January 30, 1909.

No. 781; January 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of six (6) cents per one hundred pounds on Barley, Buckwheat, Corn, Oats, Rye, and Wheat, carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, from Phelps, N. Y., to Oneida, N. Y.; the same or lower rate to apply to or from intermediate points; all points of origin and destination to be specified in the tariff; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5259, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 781, of date January 28, 1909."

Complete by P. S. C. No. 5259, effective January 30, 1909.

No. 782; January 28, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to reissue the matter contained in supplement No. 3 to tariff P. S. C., 2 N. Y., No. 295, correcting the following in the reissued items: Now reads: "Reissue Supplement No. 2, Date Effective November 19, 1908, on Wire Rope, on reels or in coils, loose or in bundles or barrels"; to read: "Reissue Supplement No. 2, Date Effective November 16, 1908, on Wire Rope, on reels or in coils, loose or in bundles or barrels"; provided that a tariff containing said change is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 295, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 782, of date January 28, 1909."

Complete by supplement 4 to P. S. C. 295, effective Feb. 5, 1909.

No. 783; February 3, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Wall Paper Blank, in rolls weighing in excess of seventy (70) pounds per roll, in carloads, minimum weight thirty-six thousand (36,000) pounds, from Thomson, N. Y., to Northumberland, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date

shall be not later than February 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 783, of date February 3, 1909."

Complete by P. S. C. No. 210, effective February 8, 1909.

No. 784; February 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ten (10) cents per one hundred pounds, carloads, minimum weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof; and twenty (20) cents per one hundred pounds, less carloads, on Paper Box Board and Wood Pulp Board, from Tupper Lake Junction, N. Y., to Brownville, N. Y., and Watertown, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5288, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 784, of date February 3, 1909."

Complete by P. S. C. No. 5288, effective February 8, 1909.

No. 785; February 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That the New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighty (80) cents per gross ton on Scrap, Iron or Steel; Turnings, Iron or Steel; Borings, Iron or Steel; carloads, minimum weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Lyons, N. Y., to Rochester, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5282, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 785, of date February 3, 1909."

Complete by P. S. C. No. 5282, effective February 6, 1909.

No. 786; February 3, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of eighty (80) cents per gross ton on Scrap, Iron or Steel; Turnings, Iron or Steel; Borings, Iron or Steel; carloads, minimum weight as per P. S. C., 2 N. Y., No. 1326, supplements thereto or superseding issues thereof, from Lyons, N. Y., to Rochester, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., 1378, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 14, 1909. Such tariff shall be so filed and posted within ten (10) days from this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 786, of date February 3, 1909."

Complete by P. S. C. No. 1378, effective February 6, 1909.

No. 787; February 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized, in connection with The Delaware, Lacka-

wanna and Western Railroad Company, to establish rate of one dollar and twenty cents ($1.20) per net ton on Sand, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Blossvale, N. Y., to Baldwinsville, N. Y., via Oswego, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y. No. 5287, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 787, of date February 3, 1909."

Complete by P. S. C. No. 5287, effective February 8, 1909.

No. 788; February 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Timber, carloads, minimum weight forty thousand (40,000) pounds, in either direction between Corning, N. Y., and Dundee, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5285, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 788, of date February 3, 1909."

Complete by P. S. C. No. 5285, effective February 8, 1909.

No. 789; February 4, 1909; The Delaware, Lackawanna and Western Railroad company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to establish the switching charges on carload freight applying at Black Rock, N. Y., Buffalo, N. Y., East Buffalo, N. Y., and Kensington, N. Y., as specified in copy of proposed tariff accompanying and constituting a part of application, and which is hereby made a part of this order; provided that a tariff containing said charges is filed with the Commission as P. S. C., 2 N. Y., No. 705, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 789, of date February 4, 1909."

Complete by P. S. C. No. 705, effective February 11, 1909.

No. 790; February 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eleven (11) cents per one hundred pounds on Fertilizer, carloads, minimum weight as per P. S. C., 2 N. Y., 5052, supplements thereto or superseding issues thereof, from Buffalo, N. Y., East Buffalo, N. Y., Black Rock, N. Y., North Tonawanda, N. Y., LaSalle, N. Y., Echota, N. Y., and Niagara Falls, N. Y., to Scriba, N. Y., New Haven, N. Y., Mexico, N. Y., Daysville, N. Y., Pulaski, N. Y., Richland, N. Y., Lacona, N. Y., Altmar, N. Y., Kasoag, N. Y., and Williamstown, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5295, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the

following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 790, of date February 4, 1909."

Complete by P. S. C. No. 5295, effective February 11, 1909.

No. 791; February 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but not less than forty thousand (40,000) pounds, from Clayton, N. Y., to Lafargeville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5293, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 791, of date February 5, 1909."

Complete by P. S. C. No. 5293, effective February 10, 1909.

No. 792; February 6, 1909; The Lowville and Beaver River Railroad Company:

Ordered: That The Lowville and Beaver River Railroad Company be and is hereby authorized to establish a rate of two cents (2c) per one hundred pounds on Wood Pulp and Wood Pulp Screenings, carloads, minimum weight forty thousand (40,000) pounds, from Beaver Falls, N. Y., to Lowville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 792, of date February 6, 1909."

Complete by P. S. C. No. 6, effective February 10, 1909.

No. 793; February 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of eight (8) cents per one hundred pounds on Wood Pulp Screenings, carloads, minimum weight forty thousand (40,000) pounds, from Lowville, N. Y., to Newark, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5314, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 793, of date February 6, 1909."

Complete by P. S. C. No. 5314, effective February 11, 1909.

No. 794; February 8, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Rail-

road Company, rate of eighty-five (85) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Byron Center, N. Y., to Lewiston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1386, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 19, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the Public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 794, of date February 8, 1909."

Complete by P. S. C. No. 1386, effective February 13, 1909.

No. 795; February 8, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Subject: Joint class rates from stations on the West Shore railroad to stations on the New York, Auburn and Lansing railroad; order issued but not used.

No. 796; February 8, 1909; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Coal, Bituminous or Anthracite, carloads, minimum weight forty thousand (40,000) pounds, in either direction between Olean, N. Y., and Rock City, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 47, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than February 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 796, of date February 8, 1909."

Complete by P. S. C. No. 47, effective February 15, 1909.

No. 797; February 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That the New York Central and Hudson River Railroad Company be and is hereby authorized to establish a regulation authorizing the acceptance of forty-six (46) trip monthly school tickets for passage on Lincoln's Birthday, Friday, February 12, 1909, between all stations where such tickets are sold at rates of fare contained in tariff P. S. C., 2 N. Y., No. 88, and tariff P. S. C., 2 N. Y., No. 272; provided that a tariff containing said regulation is filed with the Commission as P. S. C., 2 N. Y., No. 346, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be February 12, 1909. Such tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 797, of date February 9, 1909."

Complete by P. S. C. No. 346, effective February 12, 1909, only.

No. 798; February 9, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, Lessee) be and is hereby authorized to establish a regulation authorizing the acceptance of forty-six (46) trip monthly school tickets for passage on Lincoln's Birthday, Friday, February 12, 1909, between all stations where such tickets are sold at rates of fare contained in tariff P. S. C., 2 N. Y., No. 60; provided that a tariff containing

said regulation is filed with the Commission as P. S. C., 2 N. Y., No. 133, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be February 12, 1909. Such tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 798, of date February 9, 1909."

Complete by P. S. C. No. 133, effective February 12, 1909, only.

No. 799; February 9, 1909; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to establish rate of twenty (20) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, in either direction between Dolgeville, N. Y., and Inghams, N. Y.; also rate of thirty (30) cents per net ton in either direction between Dolgeville, N. Y., and Little Falls, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 108, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 799, of date February 9, 1909."

Complete by P. S. C. No. 108, effective February 12, 1909.

No. 800; February 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eight (8) cents per one hundred pounds on Lumber and Forest Products (as described in tariff P. S. C., 2 N. Y., No. 1155), in carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from following New York state stations: Lacona, Richland, Pulaski, Fernwood, Maple View (formerly Union Square), Parish, Hastings (Oswego county), and Mallory to following New York state stations: Rochester (Portland Avenue, Kent Street, and Brighton stations), Despatch, Fairport, Macedon, Walworth, Palmyra, Newark, Lyons, Lock Berlin, and Clyde. This order also includes authority to cancel the rate on Lumber, in carloads, contained in tariff P. S. C., 2 N. Y., No. 18, by supplement issue, giving proper reference in same for future rate; provided that a tariff naming said rate is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 1155, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 800, of date February 9, 1909."

Complete by supplement No. 4 to P. S. C., 2 N. Y., No. 1155, effective February 18, 1909; and No. 5 to P. S. C., 2 N. Y., No. 1155, effective February 20, 1909.

No. 801; February 11, 1909; The Lowville and Beaver River Railroad Company:

Ordered: That The Lowville and Beaver River Railroad Company be and is hereby authorized to establish the following rates from Croghan, N. Y., Beaver Falls, N. Y., and New Bremen, N. Y., to Lowville, N. Y., on Fluid Milk, in forty- (40) quart cans, less carloads, six and four-tenths (6.4) cents per can; carloads, five and four-tenths (5.4) cents per can; in bottles, in twelve- (12) quart cases, three and five-tenths (3.5) cents per case, in any

quantity; Cream, in bottles, in twelve- (12) quart cases, four (4) cents per case, in any quantity; on Cream or Condensed Milk, in forty- (40) quart cans, less carloads, ten (10) cents per can; carloads eight and one-half (8½) cents per can; on Pot Cheese, in forty- (40) quart cans, less carloads, six and four-tenths (6.4) cents per can; forty- (40) quart cans, carloads, five and four-tenths (5.4) cents per can; eighty- (80) quart cans, less carloads, twelve and eight-tenths (12.8) cents per can; eighty- (80) quart cans, carloads, ten and eight-tenths (10.8) cents per can; boxes of seventy (70) pounds each, any quantity, six and four-tenths (6.4) cents per box; boxes of two hundred (200) pounds each, any quantity, nineteen and two-tenths (19.2) cents per box; boxes of three hundred (300) pounds each, any quantity, twenty-eight and eight-tenths (28.8) cents per box; flour barrels, any quantity, nineteen and two-tenths (19.2) cents per barrel; sugar barrels, in any quantity, twenty-five and six-tenths (25.6) cents per barrel. Return shipments of Sour Milk or Sour Cream will be charged one-half (½) the rates applicable upon Sweet Milk or Sweet Cream, between the same points in the opposite direction. The above rates to be subject to the following rules and regulations: minimum charge for single shipment, twenty-five (25) cents; when cans or cases are shipped when only partially filled, the full capacity of the can or case will be charged for; the carload minimum on Fluid Milk, Cream, Condensed Milk, or Pot Cheese, in cans, will be ten thousand (10,000) quarts, and will apply to shipments of straight or mixed carloads, from one shipper at one station when shipped on one working day, and consigned to one consignee at one station delivery; these rates will include the free return of empty cans or bottles in cases shipped in milk cars; when milk packages are inclosed in other packages, such as barrels, casks, kegs, tubs, or boxes, the outer packages containing ice for protection of contents, forty (40) per cent additional freight charges will be assessed to cover the weight and bulk of the outer packages and ice; provided that a tariff naming said rates, rules, and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 7, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 801, of date February 11, 1909."

Complete by P. S. C. No. 7, effective February 22, 1909.

No. 802; February 11, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of one dollar and seventy-five cents ($1.75) per cord, on Wood, Cord and Slab, carloads, minimum ten (10) cords, from Benson Mines, N. Y., Edwards, N. Y., Harrisville, N. Y., Kalurah, N. Y., Newton Falls, N. Y., Natural Bridge, N. Y., and Oswegatchie, N. Y., to Ballina, N. Y., Cazenovia, N. Y., DeSono, N. Y., Erieville, N. Y., Earlville, N. Y., Fayettville, N. Y., Georgetown, N. Y., Lebanon, N. Y., Manlius, N. Y., Oran, N. Y., and Ripleton, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 3397, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 802, of date February 11, 1909."

Complete by P. S. C. No. 3397, supplement No. 2, effective February 18, 1909.

No. 803; February 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 5235, on its effective date, February 23, 1909, and to establish rate of eight (8) cents per one hundred pounds on Wrapping Paper, carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Hudson, N. Y., and Stockport, N. Y., to Melrose Junction, N. Y., and New York, N. Y., including New York city deliveries at Barclay Street, St. Johns Park, Desbrosses Street, 33rd Street, 60th Street, Pier 34 East River, and 130th Street; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5333, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be February 23, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 803, of date February 13, 1909."

Complete by supplement No. 1 to P. S. C., 2 N. Y., No. 5235, and P. S. C., 2 N. Y., No. 5333, effective February 23, 1909.

No. 804; February 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rates on Pears, carloads, minimum weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, in cents per one hundred pounds, to LeRoy, N. Y., from New York state stations, as follows: Hilton 6; Millers 7½; Wilson 6½; provided that a tariff naming said rates is filed with the Commission as supplement No. 6 to P. S. C., 2 N. Y., No 4528, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 804, of date February 16, 1909."

Complete by supplement 6 to P. S. C. 4528, effective February 19, 1909.

No. 805; February 18, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to reissue the rates applying on Ice, carloads, minimum weight as per P. S. C., 2 N. Y., No. 1084, supplements thereto or superseding issues thereof, contained in tariff P. S. C., 2 N. Y., No. 1110, effective February 15, 1909, and to establish therein a rate of forty (40) cents per net ton from Andover, N. Y., to Hornell, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1132, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 805, of date February 18, 1909."

Complete by P. S. C. No. 1132, effective March 1, 1909.

No. 806; February 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven (7) cents per one hundred pounds on Soda Ash, carloads, minimum weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Solvay, N. Y., to New York state stations as follows: Angus, Barnes, Beaver Dams, Billsboro, Cascade Mills, Chambers, Corning, Dox, Dresden, Dundee, Earl, Ferenbaughs, Himrods, Himrods Junction, Keuka Mills, Mays Mills, Milo Mills, Moreland, Penn Yan, Post Creek, Reading Center, Seneca Mills,

Watkins, Wedgewood, Wentz; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 5280, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be March 8, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 806, of date February 20, 1909."

Complete by supplement No. 1 to P. S. C. No. 5280, effective March 8, 1909.

No. 807; February 20, 1909; The Ulster and Delaware Railroad Company:

Ordered: That The Ulster and Delaware Railroad Company be and is hereby authorized to establish rate of five (5) cents per one hundred pounds on Ice, carloads, minimum weight thirty thousand (30,000) pounds, from Kaaterskill, N. Y., to Kingston Point, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 26, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than February 26, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 807, of date February 20, 1909."

Complete by P. S. C. No. 26, effective February 22, 1909.

No. 808; February 23, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized, in connection with The New York Central and Hudson River Railroad Company, via Oneida, to establish on Ice, carloads, minimum weight twenty-five (25) tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than twenty (20) tons, from Sylvan Beach, N. Y., to New York state stations, the rates in cents per net ton, as follows: East Syracuse 100; Auburn and Rochester 150; Schenectady and Albany 140; Tarrytown 240; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1293, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 808, of date February 23. 1909."

Complete by P. S. C. No. 1293, effective March 1, 1909.

No. 809; Feb. 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of ten (10) cents per one hundred pounds on Cider and Vinegar, carloads, minimum weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Tivoli, N. Y., to Kingston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5350, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 809, of date February 23, 1909."

Complete by P. S. C. No. 5350, effective March 1, 1909.

No. 810; February 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand (50,000) pounds, except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, to and from New York state stations as follows:

To	From			
	Cape Vincent	Rices	Lacona	Mexico
Rosiere	40	.....	.....	.....
Three Mile Bay	40	.....	.....	.....
Chaumont	40	.....	.....	.....
Limerick	45	.....	.....	.....
Brownville	45	.....	.....	.....
Watertown	45	.....	.....	.....
Rices	45	.....	.....	.....
Edison	50	40	.....	.....
Adams	50	40	.....	.....
Pierrepont Manor	50	40	.....	.....
Mannsville	50	45	.....	.....
Lacona	50	45	.....	.....
Richland	55	45	40	.....
Pulaski	55	50	.....	.....
Daysville	55	50	40	.....
Mexico	65	50	.....	.....
New Haven	65	50	45	.....
Scriba	85	50	45	40
Oswego	85	55	50	45

provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5351, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 810, of date February 23, 1909."

Complete by P. S. C. No. 5351, effective March 2, 1909.

No. 811; February 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to reissue supplement No. 10 to tariff P. S. C., 2 N. Y., No. 1602, effective March 15, 1909, and eliminate from page 4 the following: "Note 60.— Rates apply only from stations on the R., W. & O. division of the N. Y. C. & H. R. R. R., including Utica, Rome, and Syracuse"; provided that a tariff containing said changed reissued items is filed with the Commission as supplement No. 11 to P. S. C., 2 N. Y., No. 1602, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be March 15, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 811, of date February 24, 1909."

Complete by supplement No. 11 to P. S. C. No. 1602, effective March 15, 1909.

No. 812; February 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand (50,000) pounds, except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Furniss, N. Y., the rates in cents per net ton, to New York state stations

as follows: Hannibal, 40; Crocketts, 40; Sterling, 40; Red Creek, 45; Wolcott, 45; North Rose, 45; Alton, 50; Wallington, 50; Sodus, 50; Williamson, 50; Ontario, 50; Lakeside, 55; Union Hill, 55; Webster, 55; Forest Lawn, 60; Brinker Place, 60; Rochester: State street, 60; Kent street, 60; Portland avenue, 60; Charlotte, 60; Greece, 60; Hilton, 60; Barnard, 60; South Greece, 100; Spencerport, 100; Adams Basin, 100; Brockport, 100; Holley, 100; Fancher, 100; Albion, 100; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5352, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 812, of date February 24, 1909."

Complete by P. S. C. No. 5352, effective March 3, 1909.

No. 813; February 24, 1909—Not Issued.

No. 814; February 25, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish on Grain and Grain Products, carloads, as per list and minimum carload weights shown in P. S. C., 2 N. Y., No. 1238, supplements thereto or superseding issues thereof, the rates in cents per one hundred pounds, to Forest Glen, N. Y., from New York state stations on Mohawk and Western divisions of the West Shore railroad, as follows: Akron 10; Alabama 10; Amboy 9; Auriesville 8; Ballina 9; Bergen 9; Black Rock 10; Bowmansville 10; Buffalo, Carroll street 10; Buffalo, Erie street 10; Buffalo, Ohio street 10; Byron Center 9; Canajoharie 8; Canastota 9; Cazenovia 9; Chili Center 9; Chittenango 9; Churchville 9; Clarence 10; Clark's Mills 9; Clyde 9; Downing 8; Earlville 9; East Buffalo 10; East Buffalo Stock Yards 10; Echota 10; Edgewood 9; Elba 9; Erieville 9; Fairport 9; Fayetteville 9; Fort Hunter 8; Fort Plain 8; Frankfort 9; Fultonville 8; Genesee Junction 9; Georgetown 9; Hecla 9; Ilion 9; Indian Castle 9; Jordan 9; Kirkville 9; La Salle 10; Lebanon 9; Little Falls 9; Lyons 9; Macedon 9; Manlius 9; Maplewood 9; Mindenville 9; Memphis 9; Montezuma 9; Mohawk, Herkimer county, 9; Mortimer 9; Newark 9; New York Mills 9; Niagara Falls 10; North Tonawanda 10; Oakfield 9; Oneida Castle 9; Oran 9; Palmyra 9; Pattersonville 8; Port Byron 9; Port Gibson 9; Ridgeland 9; Rippleton 9; Rotterdam Junction, 8; Rochester, Kent Street Station, 8; Rochester, Portland Avenue Station, 9; St. Johnsville 8; Savannah 9; So. Amsterdam 8; So. Utica 9; Sprakers 8; Suspension Bridge 10; Syracuse 9; Utica 9; Vernon 9; Wampsville 9; Wayneport 9; Weedsport 9; Wheatville 10; provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1387, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be March 15, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, State of New York, No. 814, of date February 25, 1909."

Complete by supplement No. 1 to P. S. C. No. 1387, effective March 15, 1909.

No. 815; February 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of seven (7) cents per one hundred pounds on Grain and Grain Products, carloads, as per list and minimum carload weights shown in tariff P. S. C., 2 N. Y., No. 4753, supplements thereto or superseding issues thereof, from Clarence Center, N. Y., to Vernon, N. Y.; provided that a tariff naming

said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5359, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 815, of date February 25, 1909."

Complete by P. S. C. No. 5359, effective March 3, 1909.

No. 816; February 26, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of one dollar and twenty cents ($1.20) per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds, except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Cazenovia, N. Y., to Rochester, N. Y., and other intermediate stations, except where the present effective rates are less; all points of destination to be specified in the tariff; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1400, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 816, of date February 26, 1909."

Complete by P. S. C. No. 1400, effective March 5, 1909.

No. 817; February 26, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than twenty (20) net tons, between New York state stations as follows: from Fallsburgh to Wurtsboro, Kyserike, Kerhonkson, Accord, Cottekill, Little Britain, Rock Tavern, Campbell Hall, and Winterton; from Sylvan Beach to Caughdenoy, Valley Mills, and State Bridge; from Pecksport to Clinton; from Holmesville and South New Berlin to Rockdale; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1294, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 817, of date February 26, 1909."

Complete by P. S. C. No. 1294, effective March 2, 1909.

No. 818; February 26, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, rate of one dollar and fifty cents ($1.50) per net ton on Ice, carloads, minimum weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than twenty (20) net tons, from Fallsburgh, N. Y., to Washingtonville, N. Y., via Middletown,

N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1295, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 818, of date February 26, 1909."

Complete by P. S. C. No. 1295, effective March 2, 1909.

No. 819; February 26, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with The Lehigh and Hudson River Railway Company, rate of one dollar ($1) per net ton on Ice, carloads, minimum weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than twenty (20) net tons, from Fallsburgh, N. Y., to Warwick, N. Y., and Sugar Loaf, N. Y., via Burnside, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1296, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 819, of date February 26, 1909."

Complete by P. S. C. No. 1296, effective March 2, 1909.

No. 820; February 27, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to issue a supplement to tariff P. S. C., 2 N. Y., No. 192, applying on Grain, carloads, from Mortimer, N. Y., Maplewood, N. Y., Chili Center, N. Y., Churchville, N. Y., Bergen, N. Y., Byron Center, N. Y., Elba, N. Y., Oakfield, N. Y.; Wheatville, N. Y., Alabama, N. Y., Akron, N. Y., Clarence, N. Y., and Bowmansville, N. Y., to stations on the West Shore railroad, Buffalo, N. Y., and Niagara Frontier points to and including Amsterdam, N. Y.; and also points on the Chenango Branch; canceling the rates contained therein and referring for future rates to tariffs P. S. C., 2 N. Y., Nos. 1 and 1387; provided that a tariff making said cancellation and containing reference to said tariffs for future rates is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 192, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be March 15, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 820, of date February 27, 1909."

Complete by supplement No. 1 to P. S. C. No. 192, effective March 15, 1909.

No. 821; February 27, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of seventy-five (75) cents per net ton on Ice, carloads, minimum weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than twenty (20) net tons, from Bernhards, N. Y., to Oneida, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1297, and posted at stations at least three (3) days prior to the effective

date specified in such tariff, which effective date shall be not later than March 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 821, of date February 27, 1909."

Complete by P. S. C. No. 1297, effective March 4, 1909.

No. 822; February 27, 1909; Erie Railroad Company: Subject: ice, carloads, from Cameron, N. Y., to Livonia, N. Y.; made void because tariff was not filed within specified limit.

No. 823; March 1, 1909; The Ulster and Delaware Railroad Company:

Ordered: That The Ulster and Delaware Railroad Company be and is hereby authorized to establish rate of five (5) cents per one hundred pounds on Ice, carloads, minimum carload weight thirty thousand (30,000) pounds, from Kaaterskill, N. Y., to following New York state stations: Rondout Station, Kingston, Stony Hollow, West Hurley, Olive Branch, Brown's Station, Brodhead's Bridge, Shokan, Boiceville, Cold Brook, Mt. Pleasant, Phoenicia, Shandaken, Big Indian, Pine Hill, Grand Hotel Station, Fleischmann's, Arkville, Kelly's Corners, Halcottville, Roxbury, Grand Gorge, South Gilboa, Stamford, Hobart, South Kortright, Bloomville, Kortright Station, East Meredith, Davenport Center, West Davenport, and Oneonta; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 27, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 823, of date March 1, 1909."

Complete by P. S. C. No. 27, effective March 3, 1909.

No. 824; March 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty-five (65) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from LeRoy, N. Y., to Brighton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5370, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 824, of date March 1, 1909."

Complete by P. S. C. No. 5370, effective March 5, 1909.

No. 825; March 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and sixty cents ($1.60) per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Fulton Chain, N. Y., to East Buffalo, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 12, 1909. Such tariff shall be

so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 825, of date March 1, 1909."

Complete by P. S. C. No. 5389, effective March 5, 1909.

No. 826; March 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Manure, carloads, minimum carload weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Solvay, N. Y., to Liverpool, N. Y., Woodard, N. Y., and Clay, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5371, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 826, of date March 1, 1909."

Complete by P. S. C. No. 5371, effective March 8, 1909.

No. 827; March 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Manure, carloads, minimum carload weight fifty thousand (50,000) pounds, the rates in cents per net ton, from Buffalo, N. Y., East Buffalo, N. Y., and Black Rock, N. Y., to New York state stations, as follows: Scriba, 96; New Haven, 96; Mexico, 96; Daysville, 96; Pulaski, 96; Woodard, 96; Clay, 96; Brewerton, 96; Central Square, 96; Mallory, 96; Hastings, 96; Parish, 96; Maple View, 96; Fernwood, 96; Fulton, 80; Phoenix, 80; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5353, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 827, of date March 1, 1909.

Complete by P. S. C. No. 5353, effective March 8, 1909.

No. 828; March 2, 1909; New York and Pennsylvania Railway Company:

Ordered: That the New York and Pennsylvania Railway Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, rate of eighty-five (85) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds, from Rexville, N. Y., to Wellsburg, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 90, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 13, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 828, of date March 2, 1909."

Complete by P. S. C. No. 90, effective March 6, 1909.

No. 829; March 2, 1909; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to establish, in connection with The New York, New

Haven and Hartford Railroad Company, rate of ninety (90) cents per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from Billings, N. Y., to Stormville, N. Y., and Green Haven, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 441, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 13, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 829, of date March 2, 1909."

Complete by P. S. C. No. 441, effective March 5, 1909.

No. 830; March 3, 1909; Schenectady Railway Company:

Ordered: That the Schenectady Railway Company be and is hereby authorized to correct typographical errors on page three (3) of tariff P. S. C., 2 N. Y., No. 17, changing the fares opposite Garretts and Ballston Spa from five (5) to ten (10) cents as shown in column headed "Group No. 6"; and from ten (10) cents to fifteen (15) cents as shown in column headed "Group No. 7"; also the fare opposite Ballston Junction from five (5) cents to ten (10) cents as shown in column headed "Group No. 7"; all stops and stations named being located in the State of New York; provided that a tariff naming said changes is filed with the Commission as P. S. C., 2 N. Y., No. 18, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 9, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 830, of date March 3, 1909."

Complete by P. S. C. No. 18, effective March 4, 1909.

No. 831; March 3, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of one dollar ($1) per net ton on Ice, carloads, minimum carload weight forty thousand (40,000) pounds, from Glens Falls, N. Y. (to apply on shipments from Glen Lake), to Albany, N. Y., Schenectady, N. Y., and Troy, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1898, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 9, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 831, of date March 3, 1909."

Complete by P. S. C. No. 1898, effective March 5, 1909.

No. 832; March 3, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of one dollar and fifty cents ($1.50) per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Sylvan Beach, N. Y., and Fish Creek, N. Y., to Canandaigua, N. Y., Lyons, N. Y., and West Rush, N. Y., via Oneida, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1301, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days'

notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 832, of date March 3, 1909.

Complete by P. S. C. No. 1301, effective March 7, 1909.

No. 833; March 3, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Fallsburgh, N. Y., to Crystal Run, N. Y., and from Sylvan Beach, N. Y., to Munns, N. Y.; also from New Berlin Junction, N. Y., to Rockdale, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1300, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 833, of date March 3, 1909."

Complete by P. S. C. No. 1300, effective March 7, 1909.

No. 834; March 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, from Ogdensburg, N. Y., Morristown, N. Y., Clayton, N. Y., Redwood, N. Y., Cape Vincent, N. Y., Chaumont, N. Y., and Furniss, N. Y., to various New York Central and Hudson River railroad New York state stations as shown in attached statement; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5382, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 834, of date March 3, 1909."

Complete by P. S. C. No. 5382, effective March 14, 1909.

No. 835; March 4, 1909; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to establish on Hamburg division fares governing the sale of forty-six (46) trip school commutation tickets good in either direction, and at price per book, as follows: between Lake View, N. Y., and Angola, N. Y., three dollars and forty-five cents ($3.45); between Irving, N. Y., and Angola, N. Y., three dollars and forty-five cents ($3.45); between Silver Creek, N. Y., and Dunkirk, N. Y., four dollars and sixty cents ($4.60); between Sheridan, N. Y., and Dunkirk, N. Y., two dollars and thirty cents ($2.30); and between Sheridan, N. Y., and Silver Creek, N. Y., two dollars and thirty cents ($2.30); provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 9, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and

Commission under special permission of the Public Service Commission, Second District, State of New York, No. 835, of date March 4, 1909."

Complete by P. S. C. No. 9, effective March 12, 1909.

No. 836; March 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighty cents ($0.80) per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Penn Yan, N. Y., to Canandaigua, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5405, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 836, of date March 4, 1909."

Complete by P. S. C. No. 5405, effective March 6, 1909.

No. 837; March 4, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of fifty cents ($0.50) per net ton on Ice, carloads, minimum carload weight twenty (20) tons, from Deposit, N. Y., to Cochecton, N. Y.; provided that a tariff naming said rate is led with the Commission as P. S. C., 2 N. Y., No. 1160, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 837, of date March 4, 1909."

Complete by P. S. C. No. 1160, effective March 9, 1909.

No. 838; March 4, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of sixty cents ($0.60) per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Cazenovia, N. Y., to East Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1404, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 838, of date March 4, 1909."

Complete by P. S. C. No. 1404, effective March 9, 1909.

No. 839; March 4, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of three dollars and fifty cents ($3.50) per car as a switching charge to apply on carload freight moved from the west to the east side of the Genesee river over the Portage bridge at Portage, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1158, and posted at stations at least one (1) day prior to the effective

date specified in such tariff, which effective date shall be not later than March 10, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 839, of date March 4, 1909."

Complete by P. S. C. No. 1158, effective March 9, 1909.

No. 840; March 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), rate of twelve cents ($0.12) per one hundred pounds on Oats, carloads, minimum carload weight as per tariff P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from New York, N. Y., including lighterage within free lighterage limits of New York harbor, to New York state stations as follows: Canaan, East Chatham, Chatham, Chatham Center, Niverville, Van Hoesen, and Brookview; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5401, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 20, 1909. Such tariff shall be so filed and posted within fifteen (15) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 840, of date March 4, 1909.

Complete by P. S. C. No. 5401, effective March 19, 1909.

No. 841; March 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, from Fulton Chain, N. Y., to various New York state stations, as follows: Utica 65; Syracuse 75; Albany 110; Rochester 125; Black Rock 160; Buffalo, Carroll Street, Erie Street, and Ohio Street deliveries, 160; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5410, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 841, of date March 5, 1909."

Complete by P. S. C. No. 5410, effective March 10, 1909.

No. 842; March 5, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized, in connection with The Delaware, Lackawanna and Western Railroad Company, to establish rate of one dollar and forty cents ($1.40) per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Sylvan Beach, N. Y., to Binghamton, N. Y., via Norwich, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1303, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 18, 1909.

Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 842, of date March 5, 1909."

Complete by P. S. C. No. 1303, effective March 9, 1909.

No. 843; March 5, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Sylvan Beach, N. Y., to Oneida, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1302, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 843, of date March 5, 1909."

Complete by P. S. C. No. 1302, effective March 9, 1909.

No. 844; March 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, from Cape Vincent, N. Y., to The New York Central and Hudson River Railroad Company's New York state stations, as follows: Albany 150; Utica 90; Buffalo, Carroll street, Ohio street, and Erie street, 175; East Buffalo 175, and Black Rock 175; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5382, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 844, of date March 5, 1909."

Complete by P. S. C. No. 5382, effective March 14, 1909.

No. 845; March 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, to Mt. Kisco, N. Y., from Melrose Junction, N. Y., 65; Port Morris, N. Y., 75; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5409, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 845, of date March 5, 1909."

Complete by P. S. C. No. 5409, effective March 10, 1909.

No. 846; March 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct tariff P. S. C., 2 N. Y., No. 5372, changing the name of station from which tariff applies now shown as Black Rock, N. Y., to Black River, N. Y., and in connection with the Erie Railroad Company established rate of sixteen (16) cents per one hundred pounds on Printing and Wrapping Paper, carloads, minimum carload weight as per tariff P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Black River, N. Y., to Endicott, N. Y.; also to reissue all other rates contained in tariff P. S. C., 2 N. Y. No. 5372, via Corning, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5414, and posted at stations at least twenty (20) days prior to the effective date specified in such tariff, which effective date shall be April 5, 1909. Such tariff shall bear the following notation: "Issued on not less than twenty (20) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 846, of date March 5, 1909."

Complete by P. S. C. No. 5414, effective April 5, 1909.

No. 847; March 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct tariff P. S. C., 2 N. Y., No. 5301, changing governing clause to read as follows: "Governed by the current official classification P. S. C., 2 N. Y., No. 5052, and exceptions thereto, P. S. C., 2 N. Y., No. 4753, and supplements thereto or superseding issues thereof"; provided that a tariff naming said change is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 5301, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be March 11, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 847, of date March 5, 1909."

Complete by supplement No. 1 to P. S. C. No. 5301, effective March 11, 1909.

No. 848; March 6, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of one dollar ($1) per net ton on Ice, carloads, minimum carload weight forty thousand (40,000) pounds, from Stony Creek, N. Y., to Albany, N. Y., Schenectady, N. Y., and Troy, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1902, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 12, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 848, of date March 6, 1909."

Complete by P. S. C. No. 1902, effective March 9, 1909.

No. 849; March 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Sacketts Harbor, N. Y., to Watertown, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5416, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which

effective date shall be not less than March 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 849, of date March 6, 1909."

Complete by P. S. C. No. 5416, effective March 11, 1909.

No. 850; March 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Buffalo, N. Y., East Buffalo, N. Y., and Black Rock, N. Y., to Lewiston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5415, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 850, of date March 6, 1909."

Complete by P. S. C. No. 5415, effective March 11, 1909.

No. 851; March 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton from Cape Vincent, N. Y., to New York Central and Hudson River railroad New York state stations, as follows: Stafford 150; and 175 to each of the following: Alexander, Attica, West Batavia, Corfu, Crittenden, Wende, Dellwood, Lancaster, Depew, Forks, East Pembroke, Pembroke, Falkirk, Akron, East Clarence, Clarence Center, Transit, Getzville, North Tonawanda, Sanborn, Suspension Bridge, Lewiston, Niagara Falls, LaSalle, Echota, Sawyers Creek, Beach Ridge, Mapleton; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5382, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 851, of date March 6, 1909."

Complete by P. S. C. No. 5392, effective March 14, 1909.

No. 852; March 6, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight as per tariff P. S. C., 2 N. Y., No. D–1025, and exceptions thereto P. S. C., 2 N. Y., No. D–1000, and supplements thereto or superseding issue thereof, the rates in cents per net ton, as follows: from South Bay, N. Y., and Sylvan Junction, N. Y., to stations Elmira, N. Y., to Swartwood, N. Y., inclusive, 100; from Cayuga, N. Y., to Cayuta, N. Y., on winter shipments only and not to apply on shipments made between April 1st and November 30th inclusive, of any year, 70; from North Fair Haven, N. Y., to stations Hector, N. Y., to Varick, N. Y., inclusive, on winter shipments only and not to apply on shipments made between April 1st and November 30th inclusive, of any year,

100; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. D–1105, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, Order No. 852, of date March 6, 1909."

Complete by P. S. C. No. D–1105, effective March 12, 1909.

No. 853; March 8, 1909; The New York, Auburn and Lansing Railroad Company:

Ordered: That The New York, Auburn and Lansing Railroad Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Ice, carloads, minimum carload weight forty thousand (40,000) pounds, in either direction between Auburn, N. Y., and Wood's Mill, N. Y.; and also from Auburn, N. Y., and Wood's Mill, N. Y., Davis, N. Y., Genoa, N. Y., Kinslers, N. Y., Mapleton, N. Y., Merrifield, N. Y., Myers, N. Y., North Lansing, N. Y., South Lansing, N. Y., Tarbel, N. Y., Venice Center, N. Y., and Whites, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 26, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 14, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 853, of date March 8, 1909."

Complete by P. S. C. No. 26, effective March 11, 1909.

No. 854; March 8, 1909; The Lowville and Beaver River Railroad Company:

Ordered: That The Lowville and Beaver River Railroad Company be and is hereby authorized to establish on High Explosives rate of thirty-six (36) cents per one hundred pounds, less carloads, minimum charge one dollar ($1) per shipment; and twelve (12) cents per one hundred pounds, carloads, minimum carload weight twenty thousand (20,000) pounds; also the rules and regulations for the transportation of explosives as formulated by the Interstate Commerce Commission and published under date of July 15, 1908, in either direction between Lowville, N. Y., and New Bremen, N. Y., Beaver Falls, N. Y., and Croghan, N. Y.; provided that a tariff naming said rates and rules and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 8, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 20, 1909. Such tariff shall be so filed and posted within twelve (12) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 854, of date March 8, 1909."

Complete by P. S. C. No. 8, effective March 20, 1909.

No. 855; March 8, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 5303, removing therefrom the reference on page 2 to cancellation of rates, which reference was included in the tariff through error and which reads as follows: "and rate on Malt, Oneida to Utica, N. Y., shown in tariff No. A–8913, P. S. C., 2 N. Y., No. 3431"; also to add to same page, under heading of tariffs canceled by this issue, the following: future rates from and to stations shown in tariffs No. W–13, P. S. C., 2 N. Y., No. 636, and No. W–442, P. S. C., 2 N. Y., No. 1138, and not provided for herein, will be as per tariff P. S. C., 2 N. Y., No. 1, supplements thereto or superseding issues thereof; provided that a tariff naming said corrections is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 5303, and posted at stations

at least two (2) days prior to the effective date specified in such tariff, which effective date shall be March 15, 1909. Such tariff shall bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 855, of date March 8, 1909."

Complete by supplement No. 1 to P. S. C. No. 5303, effective March 15, 1909.

No. 856; March 9, 1909; New Jersey and New York Railroad Company:

Ordered: That the New Jersey and New York Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from West Haverstraw, N. Y., to New City, N. Y., provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 40, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 856, of date March 9, 1909."

Complete by P. S. C. No. 40, effective March 11, 1909.

No. 857; March 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seventy-five (75) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Millerton, N. Y., to Wingdale, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5423, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be March 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 857, of date March 9, 1909."

Complete by P. S. C. No. 5423, effective March 13, 1909.

No. 858; March 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Cayuga, N. Y., the rates in cents per net ton, as follows: Oaks Corners, N. Y., 40; Phelps, N. Y., 40; Phelps Junction, N. Y., 40; Chapinville, N. Y., 45; and Canandaigua, N. Y., 45; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5420, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 858, of date March 9, 1909."

Complete by P. S. C. No. 5420, effective March 15, 1909.

No. 859; March 9, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per net ton on Ice, carloads, mini-

mum weight twenty (20) net tons, from Andover (ice ponds), N. Y., to Andover, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1166, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 859, of date March 9, 1909."

Complete by P. S. C. No. 1166, effective March 12, 1909.

No. 860; March 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty-five (45) cents per net ton on Slag, carloads, minimum carload weight fifty thousand (50,000) pounds, from Buffalo, N. Y., to Caledonia, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5425, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 860, of date March 10, 1909."

Complete by P. S. C. No. 5425, effective March 12, 1909.

No. 861; March 10, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of seventy-five (75) cents per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Fallsburgh, N. Y., to Meadow Brook, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1305, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than March 23, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 861, of date March 10, 1909."

Complete by P. S. C. No. 1305, effective March 14, 1909.

No. 862; March 10, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from Lakeville, N. Y., to Cattaraugus, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1167, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 862, of date March 10, 1909."

Complete by P. S. C. No. 1167, effective March 13, 1909.

No. 863; March 10, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum

carload weight twenty (20) net tons, from Cuba (Cuba Summit), N. Y., to Cameron Mills, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1161, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 863, of date March 10, 1909."

Complete by P. S. C. No. 1161, effective March 13, 1909.

No. 864; March 10, 1909; Boston and Albany Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of sixty (60) cents per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from Niverville, N. Y., and Van Hoesen, N. Y., to Chatham, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 127, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 864, of date March 10, 1909."

Complete by P. S. C. No. 127, effective March 13, 1909.

No. 865; March 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, to Syracuse, N. Y., from New York state stations, as follows: Richland 50; Brewerton 40; Liverpool 40; Camden 60; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5426, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 865, of date March 10, 1909."

Complete by P. S. C. No. 5426, effective March 14, 1909.

No. 866; March 11, 1909; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from Ancram Lead Mines, N. Y., to Copake, N. Y., and Ancram, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 442, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 866, of date March 11, 1909."

Complete by P. S. C. No. 442, effective March 15, 1909.

No. 867; March 12, 1909; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from Campbell Hall, N. Y., to Berea, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 444, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 18, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 867, of date March 12, 1909."

Complete by P. S. C. No. 444, effective March 15, 1909.

No. 868; March 12, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 5402, and reissue, in connection with The Delaware, Lackawanna and Western Railroad Company, the same rates per gross ton from and to same points as are contained in the tariff applying to the shipment of Scrap, Iron or Steel; Borings, Iron or Steel; Turnings, Iron or Steel, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, from various New York Central and Hudson River railroad stations to Cortland, N. Y., changing the routing to read via Syracuse, N. Y.; provided that a tariff naming said rates and change is filed with the Commission as P. S. C., 2 N. Y., No. 5427, and posted at stations at least twenty (20) days prior to the effective date specified in such tariff, which effective date shall be April 7, 1909. Such tariff shall bear the following notation: "Issued on not less than twenty (20) days' notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 868, of date March 12, 1909."

Complete by P. S. C. No. 5427, effective April 7, 1909.

No. 869; March 12, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, rate of ten (10) cents per one hundred pounds on Wood Pulp, carloads, minimum carload weight forty thousand (40,000) pounds, from Norwood, N. Y., to Baldwinsville, N. Y., via Oswego, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5428, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 23, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 869, of date March 12, 1909."

Complete by P. S. C. No. 5428, effective March 17, 1909.

No. 870; March 13, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per net ton on Ice, carloads, minimum carload weight twenty (20) net tons, from Jamestown, N. Y., to Lakewood (Burtis Bay Storage Houses), N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 16 to tariff P. S. C., 2 N. Y., No. A-118, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date

shall be not later than March 19, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, Order No. 870, of date March 13, 1909."

Complete by supplement No. 16 to P. S. C. No. A-118, effective March 16, 1909.

No. 871; March 13, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of seventy-five (75) cents per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car shall govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Fallsburgh, N. Y., to Cornwall, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1308, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 871, of date March 13, 1909."

Complete by P. S. C. No. 1308, effective March 16, 1909.

No. 872; March 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car shall govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Cayuga, N. Y., to Wheelers Siding, N. Y., Holcomb, N. Y., Ionia, N. Y., West Bloomfield, N. Y., and Honeoye Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5431, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 872, of date March 13. 1909."

Complete by P. S. C. No. 5431, effective March 17, 1909.

No. 873; March 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Brick, Common Building, Fire, and Paving, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 3052, supplements thereto and superseding issues thereof, from Buffalo, N. Y., East Buffalo, N. Y., and Black Rock, N. Y., to Echota, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5430, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 873, of date March 13. 1909."

Complete by P. S. C. No. 5430, effective March 18, 1909.

No. 874; March 15, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rates in cents per one hundred pounds, on Excelsior in bales, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 1812, supplements thereto or superseding issues thereof, as follows: from Corinth, N. Y., to Jay Street Terminal and Bush Docks Terminal, Brooklyn, N. Y., 16; from Mooers Junction, N. Y., and Plattsburgh, N. Y., to Atlantic Terminal, Bush Docks Terminal, Fulton Terminal, and Jay Street Terminal, Brooklyn, N. Y., 17; via Troy, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1913, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be March 25, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 874, of date March 15, 1909."

Complete by P. S. C. No. 1913, effective March 25, 1909.

No. 875; March 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 5232, containing rates applying to the carload shipment of Fluid Milk in cans, Cream or Condensed Milk in cans, from stations on Putnam division to Melrose Junction, N. Y., and change the requirement for minimum carload to read: "The carload rates named in this tariff on Fluid Milk, Cream, Condensed Milk, Pot Cheese, or Buttermilk, in cans, will apply on shipments of one hundred (100) cans or more in straight or mixed carloads, from one shipper, at one station, on one day, consigned to one consignee, at one station delivery. Rule 5-C of Official Classification P. S. C., 2 N. Y., No. 5052, or superseding issues thereof will apply. The aggregate charge at less carload rates for a shipment of less than one hundred (100) cans of Fluid Milk, Cream, Condensed Milk, Pot Cheese, or Buttermilk, in cans, must not exceed the charge on basis of carload rates at minimum of one hundred (100) cans. Shipments carried at carload rates must be loaded and iced by shipper"; provided that a tariff containing said amendment is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 5232, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 875, of date March 16, 1909."

Complete by supplement No. 1 to P. S. C. No. 5232, effective March 20, 1909.

No. 876; March 16, 1909; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight forty thousand (40,000) pounds, from Buffalo, N. Y., to Dunkirk, N. Y.; provided that a tariff naming said rate is filed with the Commission under current supplement number to tariff P. S. C., 2 N. Y., No. 113, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 22, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special

permission of the Public Service Commission, Second District, State of New York, No. 876, of date March 16, 1909."

Complete by supplement No. 18 to P. S. C. No. 113, effective March 22, 1909.

No. 877; March 17, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per net ton on Ice, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. D–1025, and exceptions thereto P. S. C., 2 N. Y., No. D–1000, and supplements thereto or superseding issues thereof, from South Bay, N. Y., and Sylvan Junction, N. Y., to Industry, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. D–1105, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 877, of date March 17, 1909."

Complete by supplement No. 1 to P. S. C. No. D–1105, effective March 20, 1909.

No. 878; March 18, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Sawyers Creek, N. Y., to North Tonawanda, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5443, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 29, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 878, of date March 18, 1909."

Complete by P. S. C. No. 5443, effective March 23, 1909.

No. 879; March 18, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of eighty (80) cents per net ton on Ice, carloads, minimum carload weight forty thousand (40,000) pounds, from Sidney, N. Y., to Binghamton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1917, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 24, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 879, of date March 18, 1909."

Complete by P. S. C. No. 1917, effective March 20, 1909.

No. 880; March 19, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of one dollar and thirty cents ($1.30) per net ton on Ice in carloads, minimum carload weight forty thousand (40,000) pounds, from Glens Falls (to apply on shipments from Glen Lake), N. Y.,

to Delmar, N. Y., including delivery at Elsmere, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1926, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 25, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 880, of date March 19, 1909."

Complete by P. S. C. No. 1926, effective March 23, 1909.

No. 881; March 19, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of two dollars ($2.00) per net ton on Ice in carloads, minimum carload weight forty thousand (40,000) pounds, from Glens Falls (to apply on shipments from Glen Lake), N. Y., to Tivoli, N. Y., via Troy, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1925, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 25, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 881, of date March 19, 1909."

Complete by P. S. C. No. 1925, effective March 23, 1909.

No. 882; March 22, 1909; Murray's Line:

Ordered: That Murray's Line, in connection with Boston and Maine Railroad and Greenwich and Johnsonville Railway Company, be and is hereby authorized to establish rate of fifteen (15) cents per one hundred pounds to apply upon the shipment of Pulp, Wood, in carloads or over, minimum carload weight thirty-six thousand (36,000) pounds, from New York, N. Y., and points within the free lighterage limits of New York harbor, to Battenville, N. Y., Center Falls, N. Y., Greenwich, N. Y., Middle Falls, N. Y., Trionda, N. Y., and Thomson, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 4, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be March 23, 1909. Such tariff shall bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 882, of date March 22, 1909."

Complete by P. S. C. No. 4, effective March 23, 1909.

No. 883; March 23, 1909; The Ulster and Delaware Railroad Company:

Ordered: That The Ulster and Delaware Railroad Company be and is hereby authorized to establish on carload shipments of Cooperage Stock, minimum carload weight as per P. S. C., 2 N. Y., No. 20, supplements thereto or superseding issues thereof, the rates in cents per one hundred pounds, between The Ulster and Delaware Railroad Company's New York state stations, as shown by index numbers in tariff P. S. C., 2 N. Y., No. 21, supplements thereto and superseding issues thereof, as follows: In either direction between Rondout Station and Kingston, and all stations between Brodhead's Bridge and Pine Hill, both inclusive; also to all stations on S. C. & K. branch and Hunter branch (Index Nos. 8 to 16 and 34 to 42 inc.), 5; Grand Hotel Station, 6; all stations between Fleischmann's and Halcottville, both inclusive (Index Nos. 18 to 21 inc.), 6½; all stations between Roxbury and Bloomville, both inclusive (Index Nos. 22 to 28 inc.), 7½; all stations between Kortright Station and Oneonta, both inclusive (Index Nos. 29 to 33 inc.), 8; and in either direction between Oneonta and all stations between South Gilboa and Kortright Station, both inclusive (Index Nos. 24 to 29 inc.), 5; Grand Gorge, Roxbury, and Halcottville, 6½; all stations between

Brodhead's Bridge and Kelly's Corners, both inclusive (Index Nos. 8 to 20 inc.), 7½; all stations between Rondout Station and Brown's Station, both inclusive (Index Nos. 2 to 7 inc.), 8; all stations on S. C. & K. branch and Hunter branch (Index Nos. 34 to 42 inc.), 8½; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 29, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be March 25, 1909. Such tariff shall be so filed and posted and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 883, of date March 23, 1909."

Complete by P. S. C. No. 29, effective March 25, 1909.

No. 884; March 23, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 380, supplements thereto or superseding issues thereof, from Farmersville, N. Y., to Salamanca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 405, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 884, of date March 23, 1909."

Complete by P. S. C. No. 405, effective March 25, 1909.

No. 885; March 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar ($1) per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Millerton, N. Y., to Croton Lake, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5462, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 885, of date March 23, 1909."

Complete by P. S. C. No. 5462, effective March 26, 1909.

No. 886; March 23, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, on Ice, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. D–1025, and exceptions thereto P. S. C., 2 N. Y., No. D–1000, supplements thereto or superseding issues thereof, the rates in cents per net ton, from South Bay, N. Y., and Sylvan Junction, N. Y., to stations on the New York Central and Hudson River railroad, via Canastota, N. Y., as follows: Chittenango, N. Y., 80; Syracuse, N. Y., 80; Rochester, N. Y., 125; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. D–1121, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 29, 1909. Such tariff shall be so filed

and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 886, of date March 23, 1909."

Complete by P. S. C. No. D–1121, effective March 26, 1909.

No. 887; March 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to reissue tariff P. S. C., 2 N. Y., No. 5365, switching charges at Albany, N. Y., making no change in the rates, but wherever the words "Terminal Road" now appear, change to read "Tivoli Hollow Branch"; provided that a tariff naming said change is filed with the Commission as P. S. C., 2 N. Y., No. 5461, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be April 8, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 887, of date March 23, 1909."

Complete by P. S. C. No. 5461, effective April 8, 1909.

No. 888; March 24, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Cement, Building, in carloads, minimum carload weight sixty thousand (60,000) pounds, from Glens Falls, N. Y., to Albany, N. Y., when for shipment beyond by water transportation lines with which no through rates are in effect; provided that a tariff naming said rate is filed with the Commission as supplement No. 11 to P. S. C., 2 N. Y., No. 1559, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than April 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 888, of date March 24, 1909."

Complete by supplement No. 11 to P. S. C. No. 1559, effective April 1, 1909.

No. 889; March 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven (7) cents per one hundred pounds on Excelsior Wood, carloads, minimum carload weight forty thousand (40,000) pounds, from Boonville, N. Y., to Fulton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5464, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 889, of date March 25, 1909."

Complete by P. S. C. No. 5464, effective March 29, 1909.

No. 890; March 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Grain and Grain Products, carloads, as per list and minimum carload weights shown in P. S. C., 2 N. Y., No. 4753, supplements thereto or superseding issues thereof, the rates in

cents per one hundred pounds, from New York state stations on Ontario and St. Lawrence divisions to Syracuse, N. Y., Rome, N. Y., and Utica, N. Y., as follows:

From	To Syracuse	Rome	Utica	From	To Syracuse	Rome	Utica
Model City	6	8	8	Carlton	6	8	8
Ransomville	6	8	8	Brice	6	8	8
Randall	6	8	8	Kendall	6	8	8
Wilson	6	8	8	Morton	6	8	8
Coomer	6	8	8	Hamlin	6	8	8
Burt	6	8	8	Walker	6	8	8
Appleton	6	8	8	Hilton	6	8	8
Barker	6	8	8	Greece	6	8	8
Millers	6	8	8	Rochester, State St.	5	7	7
Lyndonville	6	8	8	Brinker Place	5	7	7
Ashwood	6	8	8	Charlotte	5	7	7
Waterport	6	8	8				

provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 5270, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 890, of date March 25, 1909."

Complete by supplement No. 1 to P. S. C. No. 5270, effective April 1, 1909.

No. 891; March 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar ($1) for the special movement of train, including transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, as follows: on April 5, 1909, from Suspension Bridge, N. Y., to Ransomville, N. Y., Barker, N. Y., Lyndonville, N. Y., Carlton, N. Y., Morton, N. Y., Hilton, N. Y., Webster, N. Y., Ontario, N. Y., and Williamson, N. Y.; on April 6, 1909, from Williamson, N. Y., to Sodus, N. Y., North Rose, N. Y., Wolcott, N. Y., Red Creek, N. Y., Oswego, N. Y., Mexico, N. Y., Adams, N. Y., and Watertown, N. Y.; on April 7, 1909, from Watertown, N. Y., to Carthage, N. Y., Philadelphia, N. Y., Gouverneur, N. Y., Canton, N. Y., Potsdam, N. Y., Heuvelton, N. Y., and Ogdensburg, N. Y.; on April 8, 1909, from Ogdensburg, N. Y., to Morristown, N. Y., Hammond, N. Y., Theresa, N. Y., Parish, N. Y., Central Square, N. Y., and Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least three (3) days prior to April 5, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 891, of date March 25, 1909."

Complete by P. S. C. No. 360, effective April 5–8, 1909, only.

No. 892; March 29, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), be and is hereby authorized to amend pages Nos. twelve (12) to sixteen (16) inclusive, of tariff P. S. C., 2 N. Y., No. 5348, changing from fifteen (15) cents per one hundred pounds to eighteen (18) cents per one hundred pounds the less than carload rates shown therein as applying from stations Fulton, N. Y., Group 4, and Phoenix, N. Y., Group 5, to New York state stations, as follows: Barrytown, Brooklyn, Wallabout Basin, Brooklyn, Eastern District Terminal, Jay St. Terminal, Fulton Terminal, Baltic Terminal, Atlantic Terminal, Bush Docks:

Castleton; Chelsea; Cold Spring; Croton-on-Hudson; Dobbs Ferry; Dutchess Junction; Fishkill Landing; Garrisons; Germantown; Greendale; Hastings-on-Hudson; High Bridge; Hudson; Hyde Park; Inwood; Irvington; Kings Bridge; Linlithgo; Manitou; Melrose Junction; Montrose; Morris Heights; New Hamburgh; Newton Hook; New York: Desbrosses Street, Barclay Street, St. Johns Park, 33rd Street, 60th Street, Pier 34 East River, 130th Street; Oscawanna; Ossining; Peekskill; Poughkeepsie; Rhinecliff; Scarborough; Schodack Landing; Spuyten Duyvil; Staatsburgh; Stockport; Stuyvesant; Tarrytown; Tivoli; Yonkers; stations on West Shore railroad as shown in N. Y. C. & H. R. R. R. tariff No. A–4329, I. C. C. No. B–3882, P. S. C., 2 N. Y., No. 1724, and supplements thereto or superseding issues thereof as taking Rate Group Letter A; also to establish the rates in cents per one hundred pounds to New York state stations Akin, Aqueduct, Carman, Dunsbach Ferry, Green Island, Karner, Niskayuna, Rensselaer, West Albany, Yosts, as follows: on Bags, Paper; Board, Wood Pulp; Paper, Printing, Wall (Blank), Wrapping, Tissue, Toilet; from New York state stations Black River, Brownville, Carthage, Castorland, Dexter, Felts Mills, Great Bend, Lowville, Lyons Falls, Port Leyden, Watertown, Group 1; Gouverneur, Group 2; Canton, Norwood, Potsdam, Group 3; less than carloads 20; carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, 10½; on Bags, Paper; Board, Box; Board, Wood Pulp; Paper, Building, Printing, Roofing, Wrapping, Tissue, Toilet; from Fulton, N. Y., Group 4, less than carloads 13; on Bags, Paper; Board, Box, Wood Pulp; Paper, Printing, Roofing, Wrapping, Tissue, Toilet; from Phoenix, N. Y., Group 5, 13; provided that a tariff containing said changes and rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 5348, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be not later than April 13, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 892, of date March 29, 1909."

Complete by supplement No. 1 to P. S. C. No. 5348, effective April 12, 1909.

No. 893; March 30, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of fifty (50) cents per gross ton on Coal Screenings, in carloads, minimum carload weight twenty (20) gross tons, from Port Henry, N. Y., to Delano Junction, N. Y. (including delivery on shipments consigned to Academy Siding); provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1932, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than April 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 893, of date March 30, 1909."

Complete by P. S. C. No. 1932, effective April 5, 1909.

No. 894; March 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighty (80) cents per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Lockport, N. Y., to Rochester, N. Y.; provided that a tariff naming said rate is filed

with the Commission as P. S. C., 2 N. Y., No. 5482, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 894, of date March 30, 1909."

Complete by P. S. C. No. 5482, effective April 3, 1909.

No. 895; March 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Unfinished Blank Wall Paper, in rolls weighing seventy (70) pounds or over per single roll, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 5052, and exceptions thereto P. S. C., 2 N. Y., No. 4753, supplements thereto or superseding issues thereof, from Carthage, N. Y., to Felts Mills, N. Y., rate of two (2) cents per one hundred pounds, and to Watertown, N. Y., rate of three (3) cents per one hundred pounds; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5480, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 895, of date March 30, 1909."

Complete by P. S. C. No. 5480, effective April 2, 1909.

No. 896; March 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ten (10) cents per one hundred pounds on Paint, Iron Ore (Dry), in kegs, half-barrels, barrels, or casks, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Ogdensburg, N. Y., to Newton Hook, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5481, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 896, of date March 30, 1909."

Complete by P. S. C. No. 5481, effective April 3, 1909.

No. 897; March 30, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The Ulster and Delaware Railroad Company, rate of one dollar and seventy cents ($1.70) per net ton on Crushed Stone, carloads, minimum carload weight to be marked capacity of the car, but not less than forty thousand (40,000) pounds, from West Nyack, N. Y., to Bloomville, N. Y., via Kingston, N. Y., said rate to expire with the close of business April 22, 1909, and tariff to refer for future rate to West Shore railroad tariff P. S. C., 2 N. Y., No. 1412; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1419, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than April 12, 1909. Such

tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 897, of date March 30, 1909."

Complete by P. S. C. No. 1419, effective April 5, 1909.

No. 898; March 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company, in connection with and as lessor of the West Shore railroad and the Boston and Albany railroad, be and is hereby authorized to establish on Common Building Brick, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, the rates in cents per net ton from Schenectady, N. Y., to New York state stations on the New York Central and Hudson River railroad as follows: New York: Barclay Street, St. Johns Park, Debrosses Street, 33rd Street, 60th Street, Pier 4 E. R., Pier 34 E. R., 130th Street, 120; Brooklyn: Wallabout Basin, Brooklyn Eastern District Terminal, Jay Street Terminal, Atlantic Terminal, Baltic Terminal, Fulton Terminal, Bush Docks, 180; Yonkers, Inwood, Melrose Junction, 120; Mount Vernon, 150; and to Bronxville via West Albany transfer and Boston and Albany railroad, 180; also to West Point, on West Shore railroad, 110; these rates not to include absorption of The Delaware and Hudson Company's switching charges at Schenectady, N. Y.; and rates named to New York, N. Y., and Brooklyn, N. Y., to be subject to the rules governing deliveries at New York, N. Y., and Brooklyn, N. Y., as shown in tariff P. S. C., 2 N. Y., No. 3286, supplements thereto or superseding issues thereof; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5483, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be April 5, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 898, of date March 30, 1909."

Complete by P. S. C. No. 5483, effective April 5, 1909.

No. 899; March 30, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of one dollar ($1) for the special movement of train, including transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, as follows: on April 4, 1909, from Ithaca, N. Y., to Suspension Bridge, N. Y., and on April 8, 1909, from Auburn, N. Y., to Ithaca, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least three (3) days prior to April 4, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 899, of date March 30, 1909."

Complete by P. S. C. No. 240, effective April 4–8, 1909.

No. 900; March 31, 1909; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, via Malone, N. Y., rate of eighteen (18) cents per one hundred pounds on Potatoes, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 214, supplements thereto or superseding issues thereof, from Cherubusco, N. Y., to Fonda, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 41, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April

11, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 900, of date March 31, 1909."

Complete by supplement No. 3 to P. S. C. No. 41, effective April 3, 1909.

No. 901; April 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), on Tin Cans, carloads, minimum carload weight as per tariff P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Rome, N. Y., to Oakfield, N. Y., rate of thirteen and one-half (13½) cents per one hundred pounds, and to Newark, N. Y., rate of eleven (11) cents per one hundred pounds; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5485, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 901, of date April 1, 1909.

Complete by P. S. C. No. 5485, effective April 6, 1909.

No. 902; April 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 360, and reissue the rate contained therein for the special movement of train including the transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, as applying to movements of April 5, 6, and 7, 1909, and to change movement for April 8, 1909, to read as follows: "From Ogdensburg, N. Y., to Morristown, N. Y., Hammond, N. Y., Theresa, N. Y., Parish, N. Y., Central Square, N. Y., Syracuse, N. Y., and Auburn, N. Y."; provided that a tariff naming said rate is filed with the Commission and posted at stations at least one (1) day prior to April 5, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 902, of date April 2, 1909."

Complete by P. S. C. No. 365, effective April 5, 1909.

No. 903; April 5, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish rate of seventy (70) cents per net ton on Ice, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 380, supplements thereto or superseding issues thereof, from Buffalo, N. Y., to Salamanca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 406, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 903, of date April 5, 1909."

Complete by P. S. C. No. 406, effective April 8, 1909.

No. 904; April 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven (7) cents per

one hundred pounds on Wheat, carloads, minimum carload weight as per P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Watertown, N. Y., to Honeoye Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5497, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 11, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 904, of date April 5, 1909."

Complete by P. S. C. No. 5497, effective April 8, 1909.

No. 905; April 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and fifty cents ($1.50) per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Karner, N. Y., to Ossining, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5499, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 12, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 905, of date April 6, 1909."

Complete by P. S. C. No. 5499, effective April 9, 1909.

No. 906; April 10, 1909; Newark and Marion Railway Company; tariff not issued within time limit and order canceled.

No. 907; April 10, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Ice, carloads, minium carload weight as per P. S. C., 2 N. Y., No. D–1000, supplements thereto or superseding issues thereof, from Elmira, N. Y., and Horseheads, N. Y., to Ithaca, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 907, of date April 10, 1909."

Complete by Sup. No. 2 to P. S. C. No. D–1105, effective April 14, 1909.

No. 908; April 12, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of ninety (90) cents per net ton on Ice, carloads, minimum carload weight as per official classification G. O.–P. S. C., 2 N. Y., No. 119, supplements thereto or superseding issues thereof, from Lime Lake, N. Y., to Attica, N. Y., via Buffalo, N. Y.; provided that a tariff naming said rate is filed with the Commission as S. S.–P. S. C., 2 N. Y., No. 514, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than April 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued

on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 908, of date April 12, 1909."

Complete by S. S.–P. S. C. No. 514, effective April 24, 1909.

No. 909; April 13, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of one dollar and twenty-five cents ($1.25) per net ton on Plaster, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 1326, supplements thereto or superseding issues thereof, from Oakfield, N. Y., to Milo Mills, N. Y., May's Mills, N. Y., Keuka Mills, N. Y., Seneca Mills, N. Y., Cascade Mills, N. Y., and Penn Yan, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1438, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 909, of date April 13, 1909."

Complete by P. S. C. No. 1438, effective April 15, 1909.

No. 910; April 13, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, and Raquette Lake Railway Company, rate of three dollars and seventy cents ($3.70) per net ton on Plaster, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 1326, supplements thereto or superseding issues thereof, from Oakfield, N. Y., to Eagle Bay, N. Y., via Clearwater, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1439, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 910, of date April 13, 1909."

Complete by P. S. C. No. 1439, effective April 15, 1909.

No. 911; April 13, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight forty thousand (40,000) pounds, from Ballston Lake, N. Y., to Schenectady, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1950, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 911, of date April 13, 1909."

Complete by P. S. C. No. 1950, effective April 16, 1909.

No. 912; April 14, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, rate

of two dollars ($2) per net ton on Ice, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. D–1025, supplements thereto or superseding issues thereof, from Sylvan Junction, N. Y., and South Bay, N. Y., to Caledonia, N. Y., and Geneseo, N. Y., via Elmira, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1151, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 912, of date April 14, 1909."

Complete by P. S. C., No. D–1151, effective April 17, 1909.

No. 913; April 14, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of thirty-five (35) cents per net ton on Stone, Broken, carloads, maximum and minimum carload weights as provided in P. S. C., 2 N. Y., No. 1559, from Cobleskill, N. Y., and Schoharie Junction, N. Y., to West Waterford, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 13 to tariff P. S. C., 2 N. Y., No. 1559, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 913, of date April 14, 1909."

Complete by supplement No. 13 to P. S. C., 2 N. Y., No. 1559, effective April 19, 1909.

No. 914; April 14, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, on Telephone and Telegraph Poles, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 1812, supplements thereto or superseding issues thereof, rate of two dollars and fifty cents ($2.50) per net ton from Saratoga, N. Y., and one dollar and seventy-five cents ($1.75) per net ton from Mechanicville, N. Y., to Syracuse, N. Y., via Binghamton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1953, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than April 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 914, of date April 14, 1909."

Complete by P. S. C., 2 N. Y., No. 1953, effective April 20, 1909.

No. 915; April 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar ($1) per net ton on Castiron Pipe, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Beach Ridge, N. Y., Black Rock, N. Y., Buffalo, N. Y., Depew, N. Y., East Buffalo, N. Y., Echota, N. Y., Forks, N. Y., Lancaster, N. Y., LaSalle, N. Y., Lewiston, N. Y., Lockport, N. Y., Mapleton, N. Y., Niagara Falls, N. Y., North Tonawanda, N. Y., Sanborn, N. Y., Sawyers Creek, N. Y., and Suspension Bridge, N. Y., to Rochester, N. Y., and all intermediate stations, including Alexander, N. Y., and Attica, N. Y., where

present effective rates are higher; all points of origin and destination to be specified in tariff; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5613, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 915, of date April 15, 1909."

Complete by P. S. C. No. 5613, effective April 22, 1909.

No. 916; April 16, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to reissue its tariff G. O.–P. S. C., 2 N. Y., No. 100, containing rates, rules, and regulations governing the transportation of circus and show outfits by freight train service between local stations on the Pennsylvania railroad and its subsidiary lines of railroad, making no other change than that of erasing from the fifth paragraph of rules governing the tariff as shown on page 2, the words "when regular floatage charges will be added to rates to and from Jersey City," and substitute therefor the following: "For movements by float service in New York Harbor within lighterage limits to and from float bridges of rail lines, a charge will be made of $6 per car with a minimum of $36 per float. Advance cars will be moved in float service ahead of the regular show cars at $10 per car, when moved in regular float service; if special float service is required, the minimum charge will be $40 per float. When show cars are moved in float service only the attendants necessary as keepers of the animals may be permitted to accompany the cars. When the advance cars are moved in float service they must be vacated before being floated"; provided that a tariff naming said change is filed with the Commission as G. O.–P. S. C., 2 N. Y., No. 129, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 916, of date April 16, 1909."

Complete by G. O.–P. S. C. No. 129, effective April 27, 1909.

No. 917; April 20, 1909; The Lehigh and Hudson River Railway Company:

Ordered: That The Lehigh and Hudson River Railway Company be and is hereby authorized to establish rate of ten (10) cents per can on Fresh Milk, in forty-quart cans, in any quantity, from Sugar Loaf, N. Y., to Warwick, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 53, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 3, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 917, of date April 20, 1909."

Complete by P. S. C. No. 53, effective April 27, 1909.

No. 918; April 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to publish a local and joint passenger tariff establishing fares for special Sunday, holiday, week-end, and short limit excursions to apply locally between certain specified stations on the New York Central and Hudson River railroad, and also jointly from certain specified stations on the New York Central and Hudson River railroad to stations of connecting and participating carriers as shown in the tariff; no one excursion to provide for a longer return limit than twenty (20) days; pro-

vided that a tariff containing said fares is filed with the Commission as P. S. C., 2 N. Y., No. 369, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be May 1, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 918, of date April 20, 1909."

Complete by P. S. C. No. 369, effective May 1, 1909.

No. 919; April 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of two (2) cents per one hundred pounds on Brick, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Carthage, N. Y., to Benson Mines, N. Y., applying only on shipments coming from points beyond Carthage, N. Y., from which there are no through rates in effect; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5680, and as expiring with the close of business May 13, 1909, with reference to tariff P. S. C., 2 N. Y., No. 5541, for future rates, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 28, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 919, of date April 22, 1909."

Complete by P. S. C. No. 5680, effective April 27, 1909.

No. 920; April 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of nine (9) cents per one hundred pounds on Wood Pulp, carloads, minimum carload weight forty thousand (40,000) pounds, from Tupper Lake Junction, N. Y., to Lockport, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5690, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 28, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 920, of date April 22, 1909."

Complete by P. S. C. No. 5690, effective April 28, 1909.

No. 921; April 23, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish switching charge of five dollars ($5) per car for movement of carload freight in either direction to or from connection with Erie railroad at Salamanca, N. Y., and the private siding of the Sterling Furniture Company at Salamanca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 412, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 921, of date April 23, 1909."

Complete by P. S. C. No. 412, effective April 27, 1909.

No. 922; April 23, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, rate of seventy (70) cents per net ton on Stone, Crushed or Rough Quarried, in carloads, minimum carload weight forty thousand (40,000) pounds, from General Crushed Stone Company's Siding, N. Y., Lime Rock, N. Y., and Hollister's Siding, N. Y., to Elmira Heights, N. Y., and points directly intermediate where present rates are higher via D., L. & W. Junction, N. Y.; all points of origin and destination to be specified in the tariff; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 411, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 922, of date April 23, 1909."

Complete by P. S. C. No. 411, effective April 29, 1909.

No. 923; April 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to reissue tariff P. S. C., 2 N. Y., No. 5558, in connection with the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), reissuing the rates contained therein without change, except the rate from Corning, N. Y., to Rochester, N. Y. (Kent Street and Portland Avenue), which rate is to be one dollar and twenty-five cents ($1.25) per net ton; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5700, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff which effective date shall be May 17, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 923, of date April 23, 1909."

Complete by P. S. C. No. 5700, effective May 17, 1909.

No. 924; April 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per gross ton on Slag, carloads, minimum carload weight fifty thousand (50,000) pounds, from Buffalo, N. Y., to Caledonia, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5699, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 924, of date April 23, 1909."

Complete by P. S. C. No. 5699, effective April 27, 1909.

No. 925; April 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of five (5) dollars per car on Logs, in carloads, weight not to exceed marked capacity of car, from Long Lake West, N. Y., to McKeever, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5698, and is issued as expiring with the close of business May 9, 1909, giving reference for future rates to tariff P. S. C., 2 N. Y., No. 5506, and posted at stations at

least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 925, of date April 23, 1909."

Complete by P. S. C. No. 5698, effective April 28, 1909.

No. 926; April 23, 1909; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company, and the Dunkirk, Allegheny Valley and Pittsburgh railroad (The New York Central and Hudson River Railroad Company, lessee), be and are hereby authorized to amend their tariffs L. S. & M. S. Ry. Co. P. S. C., 2 N. Y., No. 191, and D., A. V. & P. R. R. Co. P. S. C., 2 N. Y., No. 109, changing the Item No. 61, applying on Ore, Lead or Zinc, making territory applicable to read "B" instead of "A"; also amending Item No. 144 on Grain Products, eliminating Meal, Oil, and adding Cotton Seed Oil Cake (Ground), and Linseed Oil Cake (Ground); provided that a tariff naming said changes is filed with the Commission in current supplements to tariffs above specified, and posted at stations at least thirty (30) days prior to the effective date specified in such tariff, which effective date shall be not later than June 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on thirty (30) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 926, of date April 23, 1909."

This order not used; schedules filed on regular 30 days' notice.

No. 927; April 23, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish local one-way passenger fares in either direction between Lees, N. Y., and other New York state stations on the Greenwich and Johnsonville railway, as follows: Greenwich 36 cents; Easton 24 cents; Archdale 21 cents; Summit 15 cents; Johnsonville 12 cents; West Cambridge 9 cents; South Cambridge 5 cents; provided that a tariff naming said fares is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 7, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than April 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 927, of date April 23, 1909."

Complete by supplement No. 1 to P. S. C. No. 7, effective April 28, 1909.

No. 928; April 24, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee): Order not used; time limit expired before tariff was filed.

No. 929; April 26, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel from tariff P. S. C., 2 N. Y., No. 1, the following regulation: "On Sugar, in carloads, transported under rates named in this tariff from New York, Brooklyn, or Yonkers, N. Y., to stations taking Index Nos. 218 to 229 inclusive (Buffalo, N. Y., and Niagara Frontier stations), an allowance of 2 cents per 100 pounds will be made for delivery to cars or stations of the N. Y. C. & H. R. R. R. at New York, Brooklyn, or Yonkers, N. Y., or for delivery to lighters within the free lighterage limits of New York Harbor"; and to establish rate of fourteen (14) cents per one hundred pounds on Sugar, in carloads, from New York, N. Y., Brooklyn, N. Y., including lighterage from points within the free lighterage limits of

New York Harbor, also from Yonkers, N. Y., to local New York state stations shown in tariff P. S. C., 2 N. Y., No. 1, by Index Nos. 146 to 153 inclusive, 194 to 200 inclusive, and 201 to 229 inclusive; provided that a tariff containing said change to tariff P. S. C., 2 N. Y., No. 1, is filed with the Commission as supplement No. 6 to P. S. C., 2 N. Y., No. 1; also that a tariff containing said fourteen-cent rate is filed with the Commission as P. S. C., 2 N. Y., No. 5730; and posted at stations at least five (5) days prior to the effective dates specified in such schedules, which effective dates shall be May 3, 1909. Such tariffs shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 929, of date April 26, 1909."

Complete by supplement No. 6 to P. S. C. No. 1 and P. S. C. No. 5730, both effective May 3, 1909.

No. 930; April 26, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized, in connection with participating carriers as shown in tariff, to cancel the following regulation: "On Sugar, in carloads, transported under rates named in this tariff, an allowance of 2 cents per 100 pounds will be made for delivery to cars or stations of the N. Y. C. & H. R. R. R. at New York, Brooklyn, and Yonkers, N. Y., or for delivery to lighters within the free lighterage limits of New York Harbor"; and also to correct the figures shown in column sixteen (16) opposite points taking rate basis sixty (60) as shown on page twenty (20) to read sixteen (16) cents instead of eighteen (18) cents, thereby constituting a reduction on Sugar, in carloads, minimum weight thirty thousand (30,000) pounds, from New York, N. Y., Brooklyn, N. Y., and Yonkers, N. Y., to New York state stations west of Buffalo, N. Y., on lines of connecting carriers which are known as points taking sixty (60) per cent of New York-Chicago rates; provided that a tariff naming the changes specified is filed with the Commission as supplement No. 22 to tariff P. S. C., 2 N. Y., No. 1608, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be May 3, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 930, of date April 26, 1909."

Complete by supplement No. 22 to P. S. C. No. 1608, effective May 3, 1909.

No. 931; April 26, 1909; Newark and Marion Railway Company:

Ordered: That the Newark and Marion Railway Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 5, effective May 19, 1909, and to establish, in connection with The Northern Central Railway Company and The New York Central and Hudson River Railroad Company, the same rate, namely, $1.30 per net ton on Cement Blocks, in carloads, minimum carload weight sixty thousand (60,000) pounds, from Marion, N. Y., to Williamson, N. Y., via Newark, N. Y., and Wallington, N. Y.; provided that a tariff containing said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6, issued as canceling P. S. C., 2 N. Y., No. 5, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 931, of date April 26, 1909."

Complete by P. S. C. No. 6, effective May 2, 1909.

No. 932; April 27, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eight (8) cents per one

hundred pounds on Railroad Ties, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Carthage, N. Y., to Piercefield, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5753, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 3, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 932, of date April 27, 1909."

Complete by P. S. C. No. 5753, effective April 30, 1909.

No. 933; April 28, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company, in connection with The New York Central and Hudson River Railroad Company, be and is hereby authorized to establish rates on Scrap Iron, in carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 109, supplements thereto or superseding issues thereof, from Nyando, N. Y., Helena, N. Y., Moira, N. Y., Dickison Center, N. Y., St. Regis Falls, N. Y., Santa Clara, N. Y., Downey, N. Y., Mono, N. Y., Bay Pond, N. Y., and Derrick, N. Y., to Albany, N. Y., Troy, N. Y., and Green Island, N. Y., three (3) dollars per gross ton; to Utica, N. Y., two dollars and forty cents ($2.40) per gross ton; to Syracuse, N. Y., two dollars and seventy-five cents ($2.75) per gross ton; provided that a tariff naming said rates is filed with the Commission and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be not later than May 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 933, of date April 28, 1909."

Complete by P. S. C. No. 122, effective May 15, 1909.

No. 934; April 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of seventy (70) cents per net ton on Sand, carloads, minimum carload weight to be the marked capacity of the car, but not less than forty thousand (40,000) pounds, from Humaston, N. Y., to Amboy, N. Y., and Memphis, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 5757, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 4, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 934, of date April 28, 1909."

Complete by P. S. C. No. 5757, effective May 1, 1909.

No. 935; April 30, 1909; In the Matter of Case No. 845, Murray's Line *vs.* The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to recall its revocation of date March 19, 1909, effective May 1, 1909, of Concurrence Form F–3 No. 27, issued in favor of the Murray's Line; also to issue, in connection with the Murray's Line, the following tariffs:

First: A tariff of joint class rates, which rates are to be the same as those which were heretofore in effect as applying on New York intrastate freight traffic, except Coal and Coke, in either direction between New York state stations on The Delaware and Hudson Company and New York, N. Y.,

and Brooklyn, Eastern District, Jay Street, and Bush Docks Terminals, N. Y., via Troy, N. Y., contained in The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 1517, canceled under effective date April 22, 1909.

Second: A tariff of joint rates applying on carload and less carload shipments of various commodities, the rates applying to the transportation of which are to be the same as those which are now in effect applying from New York state stations on The Delaware and Hudson Company to New York, N. Y., and Brooklyn, Eastern District, Jay Street, and Bush Docks Terminals, via Troy, N. Y., now contained in The Delaware and Hudson Company tariff P. S. C., 2 N. Y., No. 1903, expiring by cancellation under effective date May 10, 1909; provided that a notice restoring into effect Concurrence Form F–3 No. 27, and tariffs naming said rates are filed with the Commission and posted at stations at least one (1) day prior to the effective dates specified in such tariffs. The effective date on the joint commodity tariff shall be not earlier than May 11, 1909. Such tariffs shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 935, of date April 30, 1909, in Case No. 845, with permission to withdraw on same notice in event of the termination of case being favorable to The Delaware and Hudson Company."

Complete by P. S. C. Nos. 1995 and 1996, effective May 6 and 11, 1909, respectively, and recall of Concurrence Form F–3 No. 27 revocation, dated May 7, 1909. Rates withdrawn by supplement No. 2 to P. S. C. No. 1995, and supplement No. 1 to P. S. C. No. 1996. Effective August 9, 1909.

No. 936; April 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct tariff P. S. C., 2 N. Y., No. 5626, making no change therein other than to correct caption for rate columns on pages 2, 3, and 4 to read "Rates in cents per ton of 2000 pounds," instead of "Rates in cents per one hundred pounds"; provided that a tariff containing said correction is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 5626, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be May 18, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 936, of date April 30, 1909."

Complete by supplement No. 1 to P. S. C. No. 5626, effective May 18, 1909.

No. 937; April 30, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with the Delaware and Eastern Railway Company, rate of one (1) dollar per net ton on Stone, Building, Curbing, and Flagging, in carloads, minimum carload weight forty thousand (40,000) pounds except when loaded in cars with marked capacity of forty-five thousand (45,000) pounds or less, in which case the minimum carload weight will be thirty thousand (30,000) pounds, from Tylers Switch, N. Y., to Andes, N. Y., via East Branch, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1400, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 13, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 937, of date April 30, 1909."

Complete by P. S. C. No. 1400, effective May 6, 1909.

No. 938; May 1, 1909; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to correct its tariff P. S. C., 2 N. Y., No. 188, to include special notice of temporary arrangement for transferring Grain at Buffalo, N. Y., account of Nickel Plate Elevator Company's elevator damaged by fire, as follows: The Nickel Plate Elevator Company's elevator has been damaged by fire; until repaired, it has been arranged by the Elevator company to make transfer of Grain through the Buffalo Creek Transfer elevator on the Buffalo Creek Railway Company's tracks; it has also been arranged by The New York, Chicago and St. Louis Railroad Company to give patrons the option of using the iron elevator on the tracks of The Lake Shore and Michigan Southern Railway Company until repairs to the Nickel Plate Elevator Company's elevator have been completed; provided that a tariff containing said correction is filed with the Commission as P. S. C., 2 N. Y., No. 197, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 7, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 938, of date May 1, 1909."

Complete by P. S. C. No. 197, effective May 7, 1909.

No. 939; May 1, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company, acting under authority for the Greenwich and Johnsonville Railway Company and in connection with participating carriers as shown in tariff, be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 1966, issued as taking effect May 21, 1909, and reissue same, making no change therein other than as follows: In the rate table on page 4, to reverse the rates shown therein as applying on commodities named in Groups "A" and "B"; provided that a tariff containing said correction is filed with the Commission as P. S. C., 2 N. Y., No. 1991, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be May 21, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 939, of date May 1, 1909."

Complete by P. S. C. No. 1991, effective May 21, 1909.

No. 940; May 3, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with the New York, Ontario and Western Railway Company, rate of one dollar and fifty cents ($1.50) per net ton on Common Brick, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 1326, supplements thereto or superseding issues thereof, from New Paltz, N. Y., to Napanoch, N. Y., via Campbell Hall, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1584, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 940, of date May 3, 1909."

Complete by P. S. C. No. 1584, effective May 8, 1909.

No. 941; May 3, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish commutation ticket fares as follows: 100-ride

commercial ticket between Lees, N. Y., and Johnsonville, N. Y., $8; and Greenwich, N. Y., $22. 100-ride scholar's ticket, for persons under eighteen years of age, between Lees, N. Y., and Johnsonville, N. Y., $4; and Greenwich, N. Y., $11. 100-ride educational ticket for persons eighteen years of age or over, between Lees, N. Y., and Johnsonville, N. Y., $5.55; and Greenwich, N. Y., $14.65; provided that a tariff naming said fares is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 6, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 9, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 941, of date May 5, 1909."

Complete by supplement No. 1 to P. S. C. No. 6, effective May 9, 1909.

No. 942; May 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds except when the marked capacity of the car is less, in which case the marked capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Oswego, N. Y., to Geneva, N. Y., eighty-five (85) cents per net ton; and to Rochester, N. Y., sixty (60) cents per net ton; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 5935, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 9, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 942, of date May 3, 1909."

Complete by P. S. C. No. 5935, effective May 7, 1909.

No. 943; May 3, 1909; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to establish on Grain, carloads, received from The New York, Chicago and St. Louis Railroad Company for delivery to the Iron Elevator and Transfer Company at Buffalo, N. Y., for transfer or storage, a switching charge of three dollars and fifty cents ($3.50) per car; rate to include return movement, car for car, when grain is re-loaded and returned to The New York, Chicago and St. Louis Railroad Company; provided that a tariff naming said charge is filed with the Commission as supplement to tariff P. S. C., 2 N. Y., No. 176, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 9, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 943, of date May 3, 1909."

Complete by supplement No. 4 to P. S. C. No. 176, effective May 8, 1909.

No. 944; May 6, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to reissue tariff P. S. C., 2 N. Y., No. 85, making no change other than as follows: tariff now reads: "Train No. 21 will be extended to Montauk on application to the conductor before reaching Easthampton upon payment of $10 in addition to regular transportation"; change to read: "To extend train No. 22 from Amagansett to Montauk on application to the conductor before reaching Easthampton and upon payment of $10 in addition to regular transportation"; provided that a tariff naming said change is

filed with the Commission as P. S. C., 2 N. Y., No. 101, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 19, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 944, of date May 6, 1909."

Complete by P. S. C. No. 101, effective May 16, 1909.

No. 945; May 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven and one-half (7½) cents per one hundred pounds on Iron and Steel Articles (except articles in carloads shown in Groups 2 and 3 in N. Y. C. & H. R. R. R. Co. tariff P. S. C., 2 N. Y., No. 3570), in carloads, as per list and minimum carload weights shown in N. Y. C. & H. R. R. R. Co. tariff P. S. C., 2 N. Y., No. 2413, supplements thereto or superseding issues thereof, from New York state stations Beach Ridge, Black Rock, Buffalo, Depew, East Buffalo, Echota, Forks, Lancaster, LaSalle, Lewiston, Lockport, Mapleton, Niagara Falls, North Tonawanda, Sanborn, Sawyers Creek, Suspension Bridge, to Auburn, Aurelius, Cayuga, Seneca Falls, Waterloo, Geneva, Oaks Corners, Phelps, Phelps Junction, Clifton Springs, Shortsville, Chapinville, Canandaigua, Paddlefords, Mertensia, Victor, Fishers, Railroad Mills, Wheelers Siding, Holcomb, Ionia, West Bloomfield, in New York state; provided that a tariff naming said rate is filed with the Commission as supplement No. 12 to tariff P. S. C. No. 3570, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 945, of date May 6, 1909."

Complete by supplement No. 12 to P. S. C. No. 3570, effective May 12, 1909.

No. 946; May 7, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with the railroad companies shown as participating carriers on pages 3 and 4 of tariff P. S. C., 2 N. Y., No. 1087, the following changes: Item 96 as shown in supplement No. 3 to tariff P. S. C., 2 N. Y., No. 1087, under heading of classification, now provides first class rating; change eliminating the words first class from under heading classification; provided that a tariff containing said change is filed with the Commission as supplement No. 5 to tariff P. S. C., 2 N. Y., No. 1087, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 946, of date May 7, 1909."

Complete by supplement No. 5 to P. S. C. No. 1087, effective May 18, 1909.

No. 947; May 7, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with the Central New England Railway Company, rate of one dollar and fifty cents ($1.50) per net ton on Cement, carloads, minimum carload weight fifty thousand (50,000) pounds except when marked capacity of car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Whiteport, Binnewater, and Rosendale, to Maybrook,

Berea, East Walden, St. Elmo, Modena, Mowbray, Elting, Clintondale, Lloyd, Highland, and Poughkeepsie, via Campbell Hall, all stations named being located in New York state; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1595, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 947, of date May 7, 1909."

Complete by P. S. C. No. 1595, effective May 17, 1909.

No. 948; May 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar per net ton on Moulding Sand, carloads, minimum carload weight to be marked capacity of car, but not less than forty thousand (40,000) pounds, from Albany, N. Y., Carman, N. Y., Crescent, N. Y., Green Island, N. Y., Karner, N. Y., Niskayuna, N. Y., Rensselaer, N. Y., Schenectady, N. Y., Troy, N. Y., and West Albany, N. Y., to Shortsville, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 4 to tariff P. S. C., 2 N. Y., No. 5296, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 948, of date May 10, 1909."

Complete by supplement No. 4 to P. S. C. No. 5296, effective May 13, 1909.

No. 949; May 10, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of seventy (70) cents per net ton on Moulding Sand, carloads, minimum carload weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Coxsackie, N. Y., to Utica, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1596, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 949, of date May 10, 1909."

Complete by P. S. C. No. 1596, effective May 14, 1909.

No. 950; May 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the New York and Ottawa Railway Company, rate of eight and one-half (8½) cents per one hundred pounds on Lumber, Lath, and Shingles, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Onchiota, N. Y., to St. Regis Falls, N. Y., via Tupper Lake Junction, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6052, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 16, 1909. Such tariff shall bear the following notation, and be so filed and posted within five (5) days from the date of this order: "Issued on one (1) day's

notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 950, of date May 10, 1909."

Complete by P. S. C. No. 6052, effective May 13, 1909.

No. 951; May 10, 1909; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), and Boston and Maine Railroad, rate of twelve (12) cents per one hundred pounds on Lumber, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 99, supplements thereto or superseding issues thereof, from Dolgeville, N. Y., to Hoosick Falls, N. Y., via Little Falls, N. Y., and Rotterdam Junction, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 119, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 23, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 951, of date May 10, 1909."

Complete by P. S. C. No. 119, effective May 17, 1909.

No. 952; May 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per net ton on Gravel, carloads, minimum carload weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Gouverneur, N. Y., to Hailesboro, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6087, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 952, of date May 10, 1909."

Complete by P. S. C. No. 6087, effective May 16, 1909.

No. 953; May 10, 1909; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized, in connection with The New York Central and Hudson River Railroad Company, to cancel tariff P. S. C., 2 N. Y., No. 459, and to reëstablish rate of one dollar and forty cents ($1.40) per net ton on Cord Wood, in carloads, minimum thirty thousand (30,000) pounds, from Stanfordville, N. Y., to Yonkers, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 460, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 953, of date May 10, 1909."

Complete by P. S. C. No. 460, effective May 13, 1909.

No. 954; May 10, 1909; Pennsylvania Railroad Company: order made void; schedule not filed within time limit.

No. 955; May 11, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, locally and jointly, in con-

nection with The Delaware and Hudson Company, Fulton Chain Railway Company, and Raquette Lake Railway Company, one-way second-class party fares for parties of ten (10) or more persons traveling together on one ticket; such tickets will not entitle holders to travel in parlor nor sleeping cars; these tickets to be sold daily, from May 15, 1909, to June 30, 1909, at fares to be constructed on basis of one and one-half (1½) cents per mile, from New York, N. Y., to New York state stations as follows: Clayton, Fulton Chain, Old Forge, Raquette Lake, Tupper Lake, Saranac Lake, Lake Placid, Mountain View, and stations intermediate north of Fulton Chain, N. Y.; also to Saratoga Springs, Lake George, Bluff Point, and Plattsburgh; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 379, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 19, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 955, of date May 11, 1909."

Complete by P. S. C. No. 379, effective May 16, 1909.

No. 956; May 11, 1909; Catskill and New York Steamboat Company, Limited:

Ordered: That the Catskill and New York Steamboat Company be and is hereby authorized to establish, in connection with the Catskill Mountain Railway Company, Otis Railway Company, and Catskill and Tannersville Railway Company, joint class rates, in cents per one hundred pounds, first to sixth classes respectively, as follows: 38; 35; 33; 28; 20; 15; from New York, N. Y., to Otis Summit, N. Y., Antlers, N. Y., Laurel House Station, N. Y., Haines Falls, N. Y., and Tannersville, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be May 26, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 956, of date May 11, 1909."

Complete by P. S. C. No. 1, effective May 26, 1909.

No. 957; May 11, 1909; Catskill and New York Steamboat Company, Limited:

Ordered: That the Catskill and New York Steamboat Company, Limited, be and is hereby authorized to establish, in connection with the Catskill Mountain Railway Company, Otis Railway Company, and Catskill and Tannersville Railway Company, official classification No. 33 and effective supplements Nos. 4 and 5, and also supplement No. 6, to become effective June 14, 1909; provided that said classification and supplements are filed as tariff P. S. C., 2 N. Y., No. 2; and supplements 4, 5, and 6, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be May 26, 1909. Such tariffs shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 957, of date May 11, 1909."

Complete by P. S. C. No. 2 and supplements Nos. 1 and 2 thereto, effective May 26, and supplement No. 3, effective June 14, 1909.

No. 958; May 11, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized, in connection with The Delaware and Hudson Company, to cancel tariff P. S. C., 2 N. Y., No. 763, and establish rates on Glue Stock or Milk Curd and Crude Sugar of Milk, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 675, and supplements thereto or superseding issues thereof, the rates in cents per one hundred pounds, as follows: To Bainbridge, N. Y., from New York state stations as

follows: Apulia 10½; Owego 10; Sherburne 13½; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 775, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be June 1, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 958, of date May 11, 1909."

Complete by P. S. C. No. 775, effective June 1, 1909.

No. 959; May 12, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twenty-five (25) dollars for special train movements of Live Stock not exceeding five (5) cars, with an additional charge of five (5) dollars per car for each car in excess of five (5) cars, from Antwerp, N. Y., to Watertown, N. Y., when such shipments are destined to points beyond; these charges to include the privilege of stop-off at Evans, N. Y., and Philadelphia, N. Y., to complete loading, and are in addition to the regular freight rates applicable on such shipments in carloads from Antwerp, N. Y., Evans, N. Y., or Philadelphia, N. Y., to final destination; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6110, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be May 25, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 959, of date May 12, 1909."

Complete by P. S. C. No. 6110, effective May 25, 1909.

No. 960; May 12, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twelve and one-half (12½) cents per one hundred pounds on Stationary Engines and Machinery, in carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Auburn, N. Y., to Hudson, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6132, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 23, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 960, of date May 12, 1909."

Complete by P. S. C. No. 6132, effective May 17, 1909.

No. 961; May 12, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish switching charge of three dollars and fifty cents ($3.50) per car for movement of carload freight from connection of the New York Central and Hudson River railroad at Rochester, N. Y., to the private siding of the Symington Company; provided that a tariff naming said charge is filed with the Commission as P. S. C., 2 N. Y., No. 416, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 23, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 961, of date May 12, 1909."

Complete by P. S. C. No. 416, effective May 15, 1909.

No. 962; May 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifteen and one-half (15½) cents per one hundred pounds on Canned Meats, Fish, Fruit, and Vegetables, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Rome, N. Y., to Fulton Chain, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6164, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 21, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 962, of date May 15, 1909."

Complete by P. S. C. No. 6164, effective May 20, 1909.

No. 963; May 15, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Murray's Line, rates first to sixth classes inclusive, in cents per one hundred pounds, respectively, 27; 24; 20; 17; 16; 14; to apply in either direction between The Delaware and Hudson Company's stations: Cambridge, N. Y., Salem, N. Y., Shushan, N. Y., and Eagle Bridge, N. Y., and points reached by Murray's Line at New York, N. Y.: Brooklyn Eastern District Terminal, Jay Street Terminal, and Bush Docks Terminal, N. Y., via Troy, N. Y.; said rates to be governed by official classification P. S. C., 2 N. Y., No. 1812, and exceptions thereto P. S. C., 2 N. Y., No. 1890, and supplements thereto or superseding issues thereof; provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 1995, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 21, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 963, of date May 15, 1909."

Complete by supplement No. 1 to P. S. C. No. 1995, effective May 19, 1909.

No. 964; May 18, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Ice, carloads, minimum carload weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than twenty (20) net tons, from Burnside, N. Y., to Middletown, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1406, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 31, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 964, of date May 18, 1909."

Complete by P. S. C. No. 1406, effective May 24, 1909.

No. 965; May 20, 1909; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 260, and in connection with The Delaware and Hudson Company to establish, on Flour and Feed, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 214, supplements thereto or superseding issues thereof, rate of eight (8) cents per one hundred pounds from Ogdensburg, N. Y., to following New York state stations

on The Delaware and Hudson Company's railroad, via Rouses Point, N. Y.: Addison Junction, Beekmantown, Chazy, Cooperville, Crown Point, Delano Junction, Douglass, Essex, Fort Ticonderoga, Plattsburgh, Port Henry, Port Kent, Sciota, Valcour, Wadhams, West Chazy, Westport, Whallonsburgh, and Willsborough; and rate of ten (10) cents per one hundred pounds to Clemons, Dresden, Putnam, Whitehall, and Wrights; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 264, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 965, of date May 20, 1909."

Complete by P. S. C. No. 264, effective May 26, 1909.

No. 966; May 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar per net ton on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Lockport, N. Y., to Barker, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6303, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 31, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 966, of date May 20, 1909."

Complete by P. S. C. No. 6303, effective May 25, 1909.

No. 967; May 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of five (5) cents per one hundred pounds on Crude Talc Rock, carloads, minimum carload weight forty thousand (40,000) pounds, from Natural Bridge, N. Y., to Massena Springs, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6301, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 31, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 967, of date May 20, 1909."

Complete by P. S. C. No. 6301; effective May 24, 1909.

No. 968; May 20, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend its present regulations which require all shipments of newspapers to be turned over to the express company, and to establish a rate of twenty-five (25) cents per one hundred pounds for the transportation of Newspapers, in baggage cars of passenger trains, from Elmira, N. Y., to various New York state stations local to the Erie railroad; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 485, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 968, of date May 20, 1909."

Complete by P. S. C. No. 485, effective May 25, 1909.

No. 969; May 22, 1909; Oneonta and Mohawk Valley Railroad Company, Joseph K. Choate, Receiver:

Ordered: That the Oneonta and Mohawk Valley Railroad Company, Joseph K. Choate, Receiver, be and is hereby authorized to establish week-end round-trip ticket fares, in cents per ticket, for summer season of 1909, as follows: Class "A": to Walnut Grove, N. Y., or Lake House, N. Y., from Cooperstown, N. Y., Hartwick, N. Y., Index, N. Y., 50; Mt. Vision, N. Y., 60; Laurens, N. Y., Oneonta, N. Y., West Oneonta, N. Y., 75; to Cooperstown, N. Y., from Hartwick, N. Y., 25; Mt. Vision, N. Y., 45; Laurens, N. Y., Oneonta, N. Y., West Oneonta, N. Y., 50; Class "B": to Walnut Grove, N. Y., or Lake House, N. Y., from Laurens, N. Y., Mt. Vision, N. Y., Oneonta, N. Y., West Oneonta, N. Y., 100; subject to the following rules and regulations: No stop-over allowed. The fares quoted in Class "A" are for tickets which will be sold on and are good going and returning Sundays only. The fares quoted in Class "B" are for tickets which will be sold on and are good going Saturdays and Sundays only, and good returning on Saturdays, Sundays, and Mondays. Tickets of Class "A" purchased in accordance with the rules herein specified will be accepted for transportation in either direction on any Sunday following day of purchase during the life of the tariff. Tickets of Class "B" purchased in accordance with the rules herein specified will be accepted for transportation in either direction on any following Saturday, Sunday, or Monday after purchase during the life of the tariff; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 80, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be June 5, 1909, with a date of expiration to be specified as September 19, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 969, of date May 22, 1909."

Complete by P. S. C. No. 80, effective June 5, 1909.

No. 970; May 24, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend its local passenger tariff P. S. C., 2 N. Y., No. 235, and establish one-way ticket fares to apply in either direction between all New York state stations intermediate between and including both McKinney's, N. Y., and Half Acre, N. Y., to all New York state stations intermediate between and including both Barton, N. Y., and Owasco Lake, N. Y.; also to stations intermediate between and including both Elmira, N. Y., and Camden, N. Y. Such fares to be in no instance higher than the fares which were in effect on May 19, 1909, and contained in tariff P. S. C., 2 N. Y., No. 15.

It is further Ordered: That the round-trip ticket fares shown on page 7 of tariff P. S. C., 2 N. Y., No. 235, applying in either direction between Locke, N. Y., and Owego, N. Y., of one dollar and fifty cents ($1.50) be changed to one dollar and fifteen cents ($1.15); provided that a tariff naming said fares is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 235, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 30, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 970, of date May 24, 1909."

Complete by supplement No. 1 to P. S. C. No. 235, effective May 28, 1909.

No. 971; May 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 6068, and to reissue the rates contained therein together with the rules and regu-

lations governing same, making no change, except as follows: Under heading of Yardage and Lighterage on Live Stock, to make the rule which now applies to carload shipments only, apply to both carload and less carload shipments; provided that a tariff naming said rules and regulations and rates is filed with the Commission, bearing proper P. S. C. serial number, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be June 18, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 971, of date May 24, 1909."

Completed by P. S. C. No. 6343, effective June 18, 1909.

No. 972; May 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 5826, and correct rule as shown on page 4 under heading of Yardage and Lighterage on Live Stock to apply on both carload and less carload shipments; provided that a tariff naming said amended regulation is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 5826, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be June 1, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 972, of date May 24, 1909."

Completed by supplement No. 1 to P. S. C. No. 5826, effective June 1, 1909.

No. 973; May 25, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, rate of eighty-five (85) cents per net ton on Brick, Common, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 1326, and supplements thereto or superseding issues thereof, from Amboy, N. Y., to Lakeside, N. Y., and Stiles, N. Y., via Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1631, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 31, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 973, of date May 25, 1909."

Completed by P. S. C. No. 1631, effective June 1, 1909.

No. 974; May 25, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized, in connection with the New York, Ontario and Western Railway Company, to cancel tariff P. S. C., 2 N. Y.. No. 1584, and to reissue the rates contained therein applying to shipments of Common Brick, in carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., No. 1326, supplements thereto or superseding issues thereof, from New Paltz, N. Y., via Campbell Hall, N. Y., to New York, Ontario and Western Railway Company stations shown in tariff, making no change therein except in rates to Monticello, N. Y., Hartwood, N. Y., Oakland, N. Y., and St. Joseph's, N. Y., reducing same from two dollars and fifteen cents ($2.15) to two (2) dollars per net ton; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1624, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later

than May 31, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 974, of date May 25, 1909."

Completed by P. S. C. No. 1624, effective June 1, 1909.

No. 975; May 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum carload weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, from Peekskill, N. Y., to New York state stations as follows: Manitou and Garrison 50; Cold Spring 60; Dutchess Junction 65; Fishkill Landing 70; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6331, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 31, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 975, of date May 25, 1909."

Completed by P. S. C. No. 6331, effective May 31, 1909.

No. 976; May 25, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of thirty-five (35) cents per net ton on Sand, in carloads, minimum carload weight to be the marked capacity of the car, but in no case less than forty thousand (40,000) pounds, from Winterton, N. Y., to Fair Oaks, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1410, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 976, of date May 25, 1909."

Completed by P. S. C. No. 1410, effective May 31, 1909.

No. 977; May 25, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of one dollar and thirty cents ($1.30) per net ton on Pulp, Wood or Sulphite, in carloads, maximum and minimum weight as provided in tariff P. S. C., 2 N. Y., No. 1559, from Morrisonville, N. Y., to Warrensburg, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 14 to tariff P. S. C., 2 N. Y., No. 1559, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than May 31, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 977, of date May 25, 1909."

Complete by supplement 14 to P. S. C. No. 1559, effective May 27, 1909.

No. 978; May 26, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net

ton on Cement, Common, Hydraulic, Natural, or Portland, in carloads, minimum carload weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Akron, N. Y., to Sawyer's Creek, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6341, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 1, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 978, of date May 26, 1909."

Complete by P. S. C. No. 6341, effective May 28, 1909.

No. 979; May 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized, in connection with the Rutland Railroad Company, to cancel rate of eight (8) cents per one hundred pounds on Flour and Feed in carloads, applying from Plattsburgh, N. Y., to Rutland railroad stations Ogdensburg, N. Y., and intermediate points to and including Champlain, N. Y., as contained in The Delaware and Hudson Company's tariff P. S. C., 2 N. Y., No. 2015, issued to take effect June 19, 1909, and to establish, in connection with the Rutland Railroad Company, via Rouses Point, N. Y., on Flour and Feed in carloads, minimum weight as per official classification, The Delaware and Hudson Company's P. S. C., 2 N. Y., No. 1812, and supplements thereto or superseding issues thereof, the rates in cents per one hundred pounds, from New York state stations on The Delaware and Hudson Company's railroad, as follows: Addison Junction, Beekmantown, Chazy, Cooperville, Crown Point, Delano Junction, Douglass, Essex, Fort Ticonderoga, Plattsburgh, Port Henry, Port Kent, Valcour, Wadhams, West Chazy, Westport, Whallonsburgh, Willsborough 8; Clemons, Dresden, Putnam, Whitehall, Wrights 10; to New York state stations on Rutland railroad: Ogdensburg, Lisbon, Madrid, Norwood, Knapps, Winthrop & Brasher, Lawrence, Moira, Brushton, Bangor, Malone, Burke, Chateaugay, Cherubusco, Clinton Mills, Ellenburgh, Forest, Irona, Altona, Woods Falls, Mooers Forks, Champlain; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2028, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 979, of date May 28, 1909."

Completed by P. S. C. No. 2028, effective June 5, 1909.

No. 980; May 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, via Troy, N. Y., rate of one dollar and sixty cents ($1.60) per net ton on Granite Brick, in carloads, minimum carload weight forty thousand (40,000) pounds, from Glens Falls, N. Y., to Ossining, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2029, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 3, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 980, of date May 28, 1909."

Completed by P. S. C. No. 2029, effective June 2, 1909.

No. 981; May 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Stone, Broken, in carloads, maximum and minimum weight as provided in tariff P. S. C., 2 N. Y., No. 1559, from Cobleskill, N. Y., to Mechanicville, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 15 to tariff P. S. C., 2 N. Y., No. 1559, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 3, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 981, of date May 28, 1909."

Completed by supplement No. 15 to P. S. C. No. 1559, effective June 2, 1909.

No. 982; May 28, 1909; The Delaware and Hudson Company:

Ordered: That the Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Manhattan Navigation Company, via Albany, N. Y., on Printing and Wrapping Paper, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1812, supplements thereto or superseding issues thereof, the rates in cents per one hundred pounds, to New York, N. Y., for local delivery, as follows: from Ausable Forks, N. Y., and Port Kent, N. Y., 15; from Delano Junction, N. Y., and Plattsburgh, N. Y., 13; from Mechanicville, N. Y., 11; to Brooklyn Eastern District Terminal, Bush Docks Terminal, and Jay Street Terminal, Brooklyn, N. Y., from Plattsburgh, N. Y., and Warrensburg, N. Y., 15; and to points subject to the jurisdiction of the Commission within the lighterage limits of New York Harbor, from Ausable Forks, N. Y., and Plattsburgh, N. Y., 17; Delano Junction, N. Y., 15; and Mechanicville, N. Y., 12; also on Printing and Wrapping Paper, less carloads, from Mechanicville, N. Y., to New York, N. Y., local delivery, 12; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2030, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 3, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 982, of date May 28, 1909."

Completed by P. S. C. No. 2030, effective June 2, 1909.

No. 983; June 2, 1909; Utica and Mohawk Valley Railway Company:

Ordered: That the Utica and Mohawk Valley Railway Company be and is hereby authorized to establish the following fares, in cents per ticket, to apply to the daily sale of round-trip excursion tickets for the season closing September 8, 1909, from New York state stations named:

From	To Summit, N. Y.	To Summit, N. Y., including admission to park.
Clinton	35	45
Frankfort	35	45
Herkimer	55	65
Ilion Station (W. S.)	45	55
Little Falls	75	85
Rome	25	35
Utica	15	25

Such round-trip tickets to be good going and returning on date of sale or the next day thereafter; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 7, and posted at stations at least two (2) days prior to the effective date specified in such tariff, which effective date shall be not later than June 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Com-

mission under special permission of the Public Service Commission, Second District, State of New York, No. 983, of date June 2, 1909."

Completed by P. S. C. No. 7, effective June 5, 1909.

No. 984; June 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of twelve (12) cents per one hundred pounds on Sulphite Pulp. Wood Pulp, and Wood Pulp Screenings, in carloads, minimum carload weight forty thousand (40,000) pounds, from Dexter, N. Y., to Newburgh, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6366, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 8, 1909. Such tariff shall be issued to expire with the close of business June 25, 1909, and refer for future rate to tariff P. S. C., 2 N. Y., No. 6332. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 984, of June 2, 1909."

Completed by P. S. C. No. 6366, effective June 5, 1909.

No. 985; June 2, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of eleven and one-half (11½) cents per one hundred pounds on Ore Paint, in carloads, minimum carload weight forty thousand (40,000) pounds, from Franklin Springs, N. Y., to Ogdensburg, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1412, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 985, of date June 2, 1909."

Completed by P. S. C. No. 1412, effective June 8, 1909.

No. 986; June 2, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. D–1225, issued to take effect June 11, 1909, and to reissue, in connection with participating carriers, Northern Central Railway Company and Pennsylvania Railroad Company, the rates subject to the jurisdiction of the Commission contained therein applying from Buffalo, N. Y., Niagara Falls, N. Y., North Tonawanda, N. Y., and Suspension Bridge, N. Y., to New York state stations on Northern Central railway and Pennsylvania railroad shown in tariff, making no change therein except to show such rates as in cents per net ton instead of in cents per one hundred pounds; provided that a tariff naming said corrected rates is filed with the Commission as P. S. C., 2 N. Y., No. D–1244, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be June 11, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 986, of date June 2, 1909."

Completed by P. S. C. No. D–1244, effective June 11, 1909.

No. 987; June 2, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish joint class rates applying from points

in New York state on Buffalo, Rochester and Pittsburgh railway to points in New York state on the railroad of the Western New York and Pennsylvania Traction Company, via East Salamanca, N. Y., such rates to be lower than the rates which now obtain by combination of effective local rates; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 424, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be not later than June 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 987, of date June 2, 1909."

Completed by P. S. C. No. 424, effective June 12, 1909.

No. 988; June 3, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is herewith authorized to establish rate of one dollar ($1) per net ton on Crushed Stone in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1252, and supplements thereto or superseding issues thereof, from Hancock, N. Y., to Luzon, N. Y., and intermediate stations to and including Cornwall, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1413, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 988, of date June 3, 1909."

Completed by P. S. C. No. 1413, effective June 8, 1909.

No. 989; June 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 6354, and to establish charge of $1090 covering transportation of Gentry Brothers' Shows, consisting of four (4) flat cars, two (2) stock cars, one (1) coach, one (1) advertising car, two (2) baggage cars, containing animals, vehicles, show outfit, advertising material and necessary paraphernalia, circus officials and employees, from connection of The Delaware, Lackawanna and Western Railroad Company at Oswego, N. Y., June 5, 1909, to Watertown, thence to Syracuse, Albion, Lockport, and Niagara Falls, to connection with the Michigan Central railroad; the above charge will also include cost of haul from Niagara Falls to Detroit, Michigan; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6371, and posted at stations on the effective date specified in such tariff, which effective date shall be June 5, 1909. Such tariff shall be so filed and posted within one (1) day from the date of this order and bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 989, of date June 4, 1909."

Completed by P. S. C. No. 6371, effective June 5, 1909.

No. 990; June 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 6198, and to reissue, in connection with the Little Falls and Dolgeville Railroad Company, the rates contained therein, making no change except in the rate from Onchiota, N. Y., to Dolgeville, N. Y., changing same from nine and one-quarter (9¼) cents per hundred pounds to eight and one-quarter (8¼) cents per hundred pounds; provided that a tariff naming said change in rate is filed with the Commission as P. S. C., 2 N. Y., No. 6367, and posted at stations at least ten (10) days prior to the effective date specified in such

tariff, which effective date shall be June 24, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 990, of date June 3, 1909."

Completed by P. S. C. No. 6367, effective June 24, 1909.

No. 991; June 3, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to amend its local passenger tariff P. S. C., 2 N. Y., No. 236, and establish one-way ticket fares, in cents per ticket, to apply in either direction, as follows:

	Between Romulus, N. Y.	and MacDougall, N. Y.
Aurora, N. Y.	110	110
Willet's, N. Y.	110	110
King's Ferry, N. Y.	110	110
Atwater's, N. Y.	110	110
Lake Ridge, N. Y.	105	110
Lansing, N. Y.	100	110
Ludlowville, N. Y.	90	105
Norton's, N. Y.	90	105
Portland Point, N. Y.	85	100
McKinney's, N. Y.	79	94

provided that a tariff naming said fares is filed with the Commission as supplement No. 2 to tariff P. S. C., 2 N. Y., No. 236, issued in lieu of supplement No. 1 rejected, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 10, 1909. Such tariff shall be so filed and posted within six (6) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 991, of date June 3, 1909."

Completed by supplement No. 2 to P. S. C. No. 236, effective June 9, 1909.

No. 992; June 3, 1909; Marcellus and Otisco Lake Railway Company:

Ordered: That the Marcellus and Otisco Lake Railway Company be and is hereby authorized to cancel local freight tariff P. S. C., 2 N. Y., No. 6, and to reissue the rates, rules, and regulations contained therein, making no change except in the rules and regulations governing the tariff, as follows: tariff now reads: "The minimum carload weight on shipments moving between stations on freight received from or destined to points on or reached via the New York Central and Hudson River railroad or the Auburn and Syracuse Electric railroad, will be the same as prescribed in the tariffs of such railroad companies applying to shipments of such traffic, but in no case less than 24,000 pounds." Change to read: "The minimum carload weight on shipments moving between stations on freight received from or destined to points on or reached via the New York Central and Hudson River railroad between Martisco and Nightingales inclusive, to be 30,000 pounds; Nightingales and Otisco Lake inclusive, 24,000. Between New York Central and Hudson River railroad at Martisco and Auburn and Syracuse Electric railroad at Marcellus, 60,000 pounds minimum, rate 20 cents per ton." Provided that a tariff naming such change is filed with the Commission as P. S. C., 2 N. Y., No. 9, superseding and canceling tariff P. S. C., 2 N. Y., No. 6, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be June 18, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 992, of date June 3, 1909."

Completed by P. S. C. No. 9, effective June 18, 1909.

No. 993; June 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with The Dela-

ware, Lackawanna and Western Railroad Company, rate of eighty-five (85) cents per net ton on Common Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from East Syracuse, N. Y., to Lakeside N. Y., via Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6388, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 10, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 993, of date June 4, 1909."

Completed by P. S. C. No. 6388, effective June 9, 1909.

No. 994; June 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish a rate of fifty (50) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds, except when capacity of car is less, in which case actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from North Tonawanda, N. Y., to Lockport, N. Y.; provided that a tariff naming said rate be filed with the Commission as P. S. C., 2 N. Y., No. 6380, and posted at stations at least one day prior to the effective date specified in said tariff, which effective date shall not be later than June 16, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 994, of date June 5, 1909."

Completed by P. S. C. No. 6380, effective June 10, 1909.

No. 995; June 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), and the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of twelve (12) cents per one hundred (100) pounds on Lumber, Railroad Ties, and Wood Fence Posts, carloads, minimum weight forty thousand (40,000) pounds, from Brewster, N. Y., and Patterson, N. Y., to Wallkill, N. Y., via Chatham, N. Y., and Albany, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6382, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 16, 1909. Such tariff shall be so filed and posted within ten (10) days of the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 995, of date June 5, 1909."

Completed by P. S. C. No. 6382, effective June 10, 1909.

No. 996; June 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish special one-way limited fares, valid for passage on date of sale only, in cents per ticket, between Grand Central Station, New York, N. Y., and High Bridge, N. Y., 10; Morris Heights, N. Y., 14; University Heights, N. Y., 14; provided that a tariff naming said fares is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 350, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than

June 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 996, of date June 5, 1909."

Completed by supplement No. 1 to P. S. C. No. 350, effective June 12, 1909.

No. 997; June 5, 1909; Rochester, Syracuse and Eastern Railroad Company:

Ordered: That the Rochester, Syracuse and Eastern Railroad Company be and is hereby authorized to establish, in connection with the Auburn and Northern Electric Railroad Company, and the Auburn and Syracuse Electric Railroad Company, special round-trip ticket fares for tickets when sold in lots of ten (10) or more, to be sold daily except Sundays and holidays during summer season to and including September 15, 1909, tickets to be good for passage on date of sale only, to Owasco Lake, Auburn, N. Y., from points and at rates in cents per ticket per capita, from New York state stations, as follows: Palmyra 125; Newark, 90; Lyons 80; Clyde 65; Savannah 50; Port Byron 30; provided that a tariff naming said fares is filed with the Commission as supplement to tariff P. S. C., 2 N. Y., No. 2, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 997, of date June 5, 1909."

Completed by supplement No. 1 to P. S. C. No. 2, effective June 15, 1909.

No. 998; June 7, 1909; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to establish joint class rates applying from points in New York state on the Western New York and Pennsylvania Traction Company's railroad to points in New York state on the railroad of the Buffalo, Rochester and Pittsburgh Railway Company, via East Salamanca, N. Y., said rates to be lower than the rates which are now obtained by combination of the effective local rates; provided that a tariff is filed with the Commission as P. S. C., 2 N. Y., No. 52, and posted at stations at least five (5) days prior to the effective date specified in said tariff, which effective date shall be not later than June 17, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 998, of date June 7, 1909."

Completed by P. S. C. No. 52, effective June 17, 1909.

No. 999; June 7, 1909; Western New York and Pennsylvania Traction Company:

Ordered: That the Western New York and Pennsylvania Traction Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum weight 40,000 pounds, from Olean, N. Y., to Salamanca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 53, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 20, 1909. Such tariff shall be so filed and posted within ten (10) days of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 999, of date June 8, 1909."

Completed by P. S. C. No. 53, effective June 18, 1909.

No. 1000; June 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of $1.25 per net ton on

Common and Paving Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, and supplements thereto or superseding issues thereof, from Corning, N. Y., to Utica, N. Y., Whitesboro, N. Y., Oriskany, N. Y., Rome, N. Y., Verona, N. Y., Oneida, N. Y., Canastota, N. Y., Sullivan, N. Y., Chittenango, N. Y., Kirkville, N. Y., Minoa, N. Y., and East Syracuse, N. Y.; provided that a tariff naming such rates is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 4873, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1000, of date June 9, 1909."

Completed by supplement No. 3 to P. S. C. No. 4873, effective June 14, 1909.

No. 1001; June 9, 1909; the Delaware and Hudson Company:

Ordered: That the Delaware and Hudson Company be and is hereby authorized to establish a charge of ten (10) cents per one hundred (100) pounds, with a minimum of ten (10) cents per shipment, for expense of icing shipments of butter, cheese, and eggs, transported in refrigerator car service, from Crown Point, N. Y., to Albany, N. Y., Cohoes, N. Y., Schenectady, N. Y., and Troy, N. Y.; also from Oneonta, N. Y., to Albany, N. Y.; provided that a tariff naming said charge is filed with the Commission as P. S. C., 2 N. Y., No. 2044, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1001, of date June 9, 1909."

Completed by P. S. C. No. 4944, effective June 17, 1909.

No. 1002; June 9, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with the Buffalo, Rochester and Pittsburgh Railway Company, rate of ninety (90) cents per net ton on Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1084, supplements thereto and superseding issues thereof, from Lancaster, N. Y., to Springville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1298, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1002, of date June 9, 1909."

Completed by P. S. C. No. 1298, effective June 12, 1909.

No. 1003; June 9, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with the Buffalo and Susquehanna Railway Company, rate of ninety (90) cents per net ton on Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1084, supplements thereto and superseding issues thereof, from Lancaster, N. Y., to Springville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1298, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1003, of date June 9, 1909."

Completed by P. S. C. No. 1298, effective June 12, 1909.

No. 1004; June 10, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 1632, and to issue a superseding tariff applying on Sand, in carloads, minimum weight to be the marked capacity of car, but not less than 40,000 pounds, to contain the same rates and apply from the same points of shipment and to the same points of destination as shown in P. S. C., 2 N. Y., No. 1632, making no change except that the rates shall be in cents per ton of two thousand (2000) pounds instead of in cents per one hundred (100) pounds; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1656, and posted at stations at least ten (10) days prior to the effective date, which effective date shall be July 2, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1004, of date June 10, 1909."

Completed by P. S. C. No. 1656, effective July 2, 1909.

No. 1005; June 11, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight 40,000 pounds, from Buffalo, N. Y., East Buffalo, N. Y., Buffalo Lake, N. Y., Black Rock, N. Y., Walden Avenue, N. Y., Main St., Buffalo, N. Y., and Kensington, N. Y., rates in cents per net ton, to New York state stations, as follows: Alden, 60; Mt. Morrs, 75; Cohocton, 90; Bath, 100; Corning, 130; Elmira, 140; Waverly, 140; Owego, 140; Binghamton, 150; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1306, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 24, 1909. Such tariff shall so be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1005, of date June 11, 1909."

Completed by P. S. C. No. 1306, effective June 21, 1909.

No. 1006; June 11, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with The Delaware and Hudson Company and New York, Ontario and Western Railway Company, rate of $1.60 per net ton on Ice, carloads, minimum weight 40,000 pounds, from Buffalo, N. Y., East Buffalo, N. Y., Buffalo Lake, N. Y., Black Rock, N. Y., Walden Avenue, N. Y., Main Street, Buffalo, N. Y., and Kensington, N. Y., to Norwich, N. Y., and Utica, N. Y., via Binghamton, N. Y., and Sidney, N. Y.; provided that a tariff naming said rate is filed with the Commission as tariff P. S. C., 2 N. Y., No. 1307, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1006, of date June 11, 1909."

Completed by P. S. C. No. 1307, effective June 21, 1909.

No. 1007; June 11, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight 40,000 pounds, from Black Rock, N. Y., Buffalo, N. Y., East Buffalo, N. Y., and Lackawanna, N. Y., rates in cents per net ton, to New York state stations, as follows: Alden, 60; Mt. Morris, 75; Cohocton, 90; Bath, 100; Corning, 130; Elmira, 140; provided that a tariff naming said rates is filed

with the Commission as supplement No. 11 to tariff P. S. C., 2 N. Y., No. 639, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 24, 1909. Such tariff shall so be filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1007, of date June 11, 1909."

Completed by supplement No. 11 to P. S. C. No. 639, effective June 24, 1909.

No. 1008; June 12, 1909; Oneonta and Mohawk Valley Railroad, Joseph K. Choate, Receiver:

Ordered: That the Oneonta and Mohawk Valley railroad, Joseph K. Choate, Receiver, be and is hereby authorized to establish a round-trip excursion fare of one dollar and fifty-five cents ($1.55) per ticket from Oneonta, N. Y., to Mohawk, N. Y., and return, to be sold only on June 14, 1909, good for transportation going on special car to leave Oneonta, N. Y., at one-thirty (1:30) p. m., return transportation not limited; provided that a tariff naming said fare is filed with the Commission as P. S. C., 2 N. Y., No. 85, and posted at stations June 12, 1909, the effective date of the tariff. Such tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1008, of date June 12, 1909."

Completed by P. S. C. No. 85, effective June 12, 1909.

No. 1009; June 14, 1909; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to establish commutation ticket fares for travel in either direction between stations located on its Hamburg division at rate of one and one-quarter (1¼) cents per mile or fraction thereof per trip; also to sell mileage tickets good for three hundred (300) miles travel between any two points on Hamburg division or Dunkirk and Fredonia divisions at rate of one and three-quarters (1¾) cents per mile; conditions of sale and rules and regulations governing use to be fully specified in tariff and on tickets; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 13, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1009, of date June 14, 1909."

Completed by P. S. C. No. 13, effective June 27, 1909.

No. 1010; June 14, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish a tariff of absorption of switching charges applying at Geneva, N. Y., as follows: All tariffs lawfully on file with the Public Service Commission, Second District, State of New York, except those containing rates applying to the shipment of Coal or Coke, applying to or from Geneva, N. Y., via Lehigh Valley railroad, will also apply on traffic originating at or destined to tracks or industries of connecting lines at Geneva, N. Y., provided the through revenue is not less and the switching charge of connecting line is not greater than specified: namely, to or from points at Geneva, N. Y., reached by the tracks of the New York Central and Hudson River railroad, when through revenue is sixteen (16) dollars or more per shipment, a maximum switching charge of four (4) dollars per car will be absorbed; in event that the switching charges are greater than the maximum absorption charge specified in the foregoing, the excess to accrue as a surplus charge against the property; if the freight revenue is less than the minimum through revenue specified in the foregoing, the entire switching charge to be

added to the rate; provided that a tariff naming said switching charges is filed with the Commission as P. S. C., 2 N. Y., No. D–1271, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 20, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1010, of date June 14, 1909."

Completed by P. S. C. No. D–1271, effective June 18, 1909.

No. 1011; June 14, 1909; Manhattan Navigation Company:

Ordered: That the Manhattan Navigation Company be and is hereby authorized to establish, in connection with The Delaware and Hudson Company, a joint commodity tariff containing rates applying to the shipment of articles and between the points as follows: Rates on the articles hereinafter enumerated in carloads or less than carloads governed by the rules and regulations and subject to the minimum weights as provided in the official classification, unless otherwise provided herein. Rates to apply via the Manhattan Navigation Company, Albany N. Y., and The Delaware and Hudson Company's railroad (as per list filed); provided that a tariff naming said rates is filed with the Commission as The Delaware and Hudson Company's P. S. C., 2 N. Y., No. 2033, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1011, of date June 14, 1909."

Completed by D. & H. P. S. C. No. 2033, effective June 21, 1909.

No. 1012; June 15, 1909; Cortland County Traction Company:

Ordered: That the Cortland County Traction Company be and is hereby authorized to establish a switching rate of two (2) dollars per car to apply on all freight in carloads in either direction between the junction point of connection with the Delaware, Lackawanna and Western railroad at Cortland, N. Y., and points on Cortland County Traction Company's railroad situate between said connection and Main street, Cortland, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 3, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than June 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1012, of date June 15, 1909."

Complete by P. S. C. No. 4, in lieu of P. S. C. No. 3, rejected; effective June 28, 1909.

No. 1013; June 16, 1909; Rochester Railway Company:

Ordered: That the Rochester Railway Company be and is hereby authorized to establish, in connection with the Rochester and Suburban Railway Company and Irondequoit Bay Navigation Company, fares applying to the sale of round-trip excursion tickets from any part of the city of Rochester, N. Y., reached by the Rochester railway, to Glen Haven, N. Y., of thirty (30) cents per ticket for round trip; and also in connection with the Rochester and Suburban Railway Company fares applying to the sale of round-trip excursion tickets for children from any part of the city of Rochester, N. Y., to Sea Breeze, N. Y., of fifteen (15) cents per ticket for round trip, age limit for children to whom tickets will be sold to be specified in tariff; the rates herein provided to apply to the sale of tickets when purchased at the office of the general passenger agent of the Rochester Railway Company at Rochester, N. Y., in lots of fifty (50) or more; provided that a tariff naming said fares

is filed with the Commission as P. S. C. 2 N. Y., No. 6, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 7, 1909. Such tariff shall be so filed and posted within twenty (20) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1013, of date June 16, 1909."

Complete by P. S. C. No. 6, effective July 7, 1909.

No. 1014; June 16, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to cancel supplement No. 1 to tariff P. S. C., 2 N. Y., No. D–1179, applying to the carload shipment of Stone and Stone Products between local stations named in the tariff, and to reëstablish by a superseding supplement the rates and matter contained therein without change under an effective date of July 8, 1909, except the following change: "Correct rates on Limestone for Fluxing Purposes shown on page 3 of tariff to read per gross ton instead of per net ton," which change may be established on one (1) day's notice; provided that a tariff naming said changes is filed with the Commission as supplement No. 2 to tariff P. S. C., 2 N. Y., No. D–1179, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 24, 1909. Such tariff shall be so filed and posted within seven (7) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1014, of date June 16, 1909."

Complete by supplement No. 2 to P. S. C. No. D–1179, effective June 24, 1909.

No. 1015; June 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish for passenger travel between New York state points named herein, on trains Nos. 19 and 25, excess ticket fares; also rules and regulations to govern the sale of such tickets and the transportation in parlor, sleeping, or compartment cars of passengers holding such tickets as follows: When a passenger traveling on train No. 25 and holding a through ticket reading to or beyond Elkhart, Ind., or Chicago, Ill., or when traveling on train No. 19 to Erie, Pa., or a point west thereof, desires to be accompanied for a portion of the journey by one or more passengers who will jointly occupy the Pullman car space purchased by such through passenger, tickets may be sold to accompanying passenger or passengers from New York, N. Y., to Albany, N. Y., for travel on train No. 19, at price of one (1) dollar in excess of regular fare; for travel on train No. 25, two (2) dollars in excess of regular fare; from New York, N. Y., to Syracuse, N. Y., for travel on train No. 25, four (4) dollars in excess of regular fare, the sale of said tickets being subject to conditions as follows: first, accompanying local passenger must be accommodated in the same Pullman space purchased and occupied by the through passenger; second, no more persons will be allowed to accompany a through passenger than can be accommodated in the Pullman space purchased and occupied by such through passenger; provided that a tariff naming said excess fares and rules and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 390, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be June 20, 1909. Such tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1015, of date June 16, 1909."

Complete by P. S. C. No. 390, effective June 20, 1909.

No. 1016; June 18, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per

net ton applying to straight or mixed carload shipments, minimum weight twenty (20) net tons, of Brick Machinery, Lumber, Timber, Steel Rails, and Smokestacks, and other Saw Mill Material, from Benson Mines, N. Y., to Aldrich, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6421, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 29, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1016, of date June 18, 1909."

Complete by P. S. C. No. 6421, effective June 23, 1909.

No. 1017; June 18, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of thirty-five (35) cents per net ton on Rough Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Little Falls, N. Y., to South Amsterdam, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1665, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 29, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1017, of date June 18, 1909."

Complete by P. S. C. No. 1665, effective June 24, 1909.

No. 1018; June 21, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1812, and supplements thereto or superseding issues thereof, from Shushan, N. Y., to Eagle Bridge, N. Y., points upon its line of railroad; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2053, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 27, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1018, of date June 21, 1909."

Complete by P. S. C. No. 2053, effective June 23, 1909.

No. 1019; June 21, 1909; Oneida Railway Company:

Ordered: That the Oneida Railway Company be and is hereby authorized to establish, in connection with the New York, Ontario and Western Railway Company, rates of fare, in cents per ticket, applying to the sale of round-trip excursion tickets to Sylvan Beach, N. Y., from New York state stations hereinafter specified, during the season of nineteen hundred nine that Sylvan Beach, point of destination, is open, to be good going and returning only on date of sale or the following day, as follows: Utica 115; Clark Mills 90; Hecla 80; Vernon 60; Wampsville 50; Canastota 55; Chittenango 75; Kirkville 85; Manlius Center 95; Syracuse 115; provided that a tariff naming said rates of fare is filed with the Commission as P. S. C., 2 N. Y., No. 10, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be not later than July 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1019, of date June 21, 1909."

Complete by P. S. C. No. 10, effective July 1, 1909.

No. 1020; June 22, 1909; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to establish fares for the sale of special one-day excursion tickets from Broadalbin, N. Y., to Sacandaga Park, N. Y., and return, of twenty-five (25) cents for children and fifty (50) cents for adults, such tickets to be sold Sundays only, to and including September 26, 1909; and also on July 5 and September 6, 1909, to be limited for passage going and returning on date of sale; also to provide for the sale on July 5, 1909, of the fares as shown in supplement No. 3 to tariff P. S. C. No. 1, applying to the sale of similar tickets from Schenectady, N. Y., Amsterdam, N. Y., Johnstown, N. Y., Fonda, N. Y., Mayfield, N. Y., and Cranberry Creek, N. Y.; and to establish fares for the sale of special theater tickets from Mayfield, N. Y., to Sacandaga Park, N. Y., and return, for children fifteen (15) cents and adults thirty (30) cents, tickets to be sold daily except Sunday from June 28 to September 30 inclusive, 1909, limited for passage going on theater car or train on date of sale, returning on any train or cars of same date; provided that a tariff naming said rates of fare and dates of sale is filed with the Commission as supplement No. 4 to tariff P. S. C., 2 N. Y., No. 1, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be June 28, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1020, of date June 22, 1909."

Complete by supplement No. 4 to P. S. C. No. 1, effective June 28, 1909.

No. 1021; June 22, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 1651, applying on Crushed Stone, in carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Tompkins Cove, N. Y., and Jones Point, N. Y., to various specified stations on New York, Ontario and Western railway, and to reissue the rates named therein, making no change except in the rate to Napanoch, N. Y., which now reads as one dollar ($1) per net ton, and which should read one dollar and fifty cents ($1.50) per net ton; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 1676, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be July 15, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1021, of date June 22, 1909."

Complete by P. S. C. No. 1686, in lieu of P. S. C. No. 1676, rejected; effective July 15, 1909.

No. 1022; June 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty-five (35) cents per net ton on Gravel, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Lacona, N. Y., to Felt's Mills, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6443, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than June 29, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1022, of date June 23, 1909."

Complete by P. S. C. No. 6443, effective June 28, 1909.

No. 1023; June 24, 1909; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to establish, in connection with The Delaware and Hudson Company's railroad and the Manhattan Navigation Company, joint class rates applying in either direction between points in New York state on Boston and Maine railroad to points in New York, N. Y., reached by the Manhattan Navigation Company via The Delaware and Hudson Company's railroad and Mechanicville, N. Y.; such rates to be lower than the rates which now obtain by combination of effective local rates to and from Mechanicville, N. Y., and other New York state stations on Boston and Maine railroad; and joint rates from and to Mechanicville, N. Y., and New York, N. Y., points via The Delaware and Hudson Company's railroad and the Manhattan Navigation Company; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 281, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1023, of date June 24, 1909."

Complete by P. S. C. No. 281, effective July 6, 1909.

No. 1024; June 24, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Manhattan Navigation Company, a joint commodity tariff containing rates applying to the shipment of articles and between the points as follows (as per list filed); provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2057, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1024, of date June 24, 1909."

Complete by P. S. C. No. 2057, effective July 2, 1909.

No. 1025; June 24, 1909; Fulton Chain Railway Company:

Ordered: That the Fulton Chain Railway Company be and is hereby authorized to establish, in connection with the Fulton Navigation Company, rate of thirty-five (35) cents per one hundred pounds on Laundry, in baskets, in either direction between Fulton Chain station, N. Y., and landings on Fourth Lake, N. Y., of the Fulton chain of lakes designated in Groups 4, 5, 6, and 7 of Fulton Chain Railway Company's freight tariff P. S. C., 2 N. Y., No. 3; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 4, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1025, of date June 24, 1909."

Complete by P. S. C. No. 4, effective July 7, 1909.

No. 1026; June 25, 1909; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, Lehigh Valley Railroad Company, and The New York Central and Hudson River Railroad Company, rate of seventy (70) cents per gross ton of two thousand two hundred forty (2240) pounds, on Pig Iron, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 161, and

exceptions thereto P. S. C., 2 N. Y., No. 141, supplements thereto or superseding issues thereof, from North Tonawanda, N. Y., to Dunkirk, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1026, of date June 25, 1909."

Complete by supplement No. 22 to P. S. C. No. 57, effective July 6, 1909.

No. 1027; June 25, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, for the Manhattan Navigation Company and in connection with The Delaware and Hudson Company's railroad and the Boston and Maine Railroad, joint class rates, in cents per one hundred pounds, first to sixth classes inclusive: 25; 20; 17; 13; 13; 12; applying from Pier 11, foot of Cedar street, New York, N. Y., to New York state stations on Boston and Maine railroad: Buskirk, Eagle Bridge, East Buskirk, East Schaghticoke, Elnora, Hoosick, Hoosick Falls, Hoosick Junction, Johnsonville, Lansingburgh, Melrose, North Hoosick, Petersburgh Junction, Reynolds, Rotterdam Junction, Schaghticoke, Scotia, Stillwater, Usher, Valley Falls, Walloomsac, West Valley Falls, and White Creek; also 27; 22; 18; 14; 14; 14; from Pier 11, foot of Cedar street, New York, N. Y., to Schuylerville, N. Y., and Wayville, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2061, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 12, 1909. Such tariff shall be so filed and posted within sixteen (16) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1027, of date June 25, 1909."

Complete by P. S. C. No. 2061, effective July 12, 1909.

No. 1028; June 25, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of twenty (20) cents per net ton on Crushed Stone, in carloads, minimum weight fifty thousand (50,000) pounds, from Tub Mountain Quarry (Whitehall), N. Y., to Whitehall, N. Y., for local delivery; provided that a tariff naming said rate is filed with the Commission as supplement No. 4 to tariff P. S. C., 2 N. Y., No. 1865, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 1, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1028, of date June 25, 1909."

Complete by supplement No. 4 to P. S. C. No. 1865, effective June 29, 1909.

No. 1029; June 25, 1909; The Chautauqua Traction Company:

Ordered: That The Chautauqua Traction Company be and is hereby authorized to establish fares applying to the sale of twenty-trip commutation ticket books, as follows: Between Jamestown, N. Y., and Chautauqua, N. Y., or intermediate points, four (4) dollars per book; between Jamestown, N. Y., and Mayville, N. Y., or intermediate points, five (5) dollars per book. Said books to contain twenty (20) coupons good for use by the holder and persons accompanying, and for transportation in either direction, if used on or before September 15, 1909, at which time the sale will be discontinued; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 29, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not

later than July 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1029, of date June 25, 1909."

Completed by P. S. C. No. 29, effective July 1, 1909.

No. 1030; June 26, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of six (6) cents per one hundred pounds on Building Stone, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Potsdam, N. Y., to Utica, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6460, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1030, of date June 26, 1909."

Complete by P. S. C. No. 6460, effective July 1, 1909.

No. 1031; June 26, 1909; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, joint rates per can applying to the shipment of Fluid Milk, in carloads and less carloads, and per case, in bottles, any quantity; rates per case on Cream, any quantity; and rates per can on Cream or Condensed Milk, in carloads and less carloads; also per box on Pot Cheese, carloads and less carloads; and per barrel, carloads and any quantity; such rates to be less than the rates which now obtain by combination of local rates, from Old Chatham, N. Y., and Stephentown, N. Y., to Melrose Junction, N. Y., via Chatham, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 270, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1031, of date June 26, 1909."

Complete by P. S. C. No. 270, effective June 30, 1909.

No. 1032; June 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) and the Lehigh Valley Railroad Company, rate of one dollar and twenty-five cents ($1.25) per net ton on Wood Fence Posts, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Charlotte, N. Y., to Henrietta, N. Y., via West Shore railroad and Mortimer, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6462, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 4, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1032, of date June 28, 1909."

Complete by P. S. C. No. 6462, effective July 2, 1909.

No. 1033; June 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of twenty (20) cents per net ton on Stone, Broken, Crushed, and Stone Screenings, in carloads, minimum weight fifty thousand (50,000) pounds, as a switching charge at Glens Falls, N. Y., to apply between points within the district bounded by sidings of Finch, Pruyn & Co. on the north, and sidings of the Glens Falls Portland Cement Co. on the south; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to tariff P. S. C., 2 N. Y., No. 1865, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 4, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1033, of date June 28, 1909."

Complete by supplement No. 5 to P. S. C. No. 1865, effective June 30, 1909.

No. 1034; June 28, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. D–860, containing rates applying to the switching of Ice in carloads from private sidings to junction with the New York Central and Hudson River railroad at Cayuga, N. Y., on traffic destined to points beyond, and to reissue the rates contained therein without change; also to establish rate of four (4) dollars per car for switching carload shipments of Ice from Independent Ice Company's ice houses at Cayuga, N. Y., to junction with the New York Central and Hudson River railroad at Cayuga, N. Y., on traffic destined to East Rochester, N. Y., and Fairport, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1290, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 4, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1034, of date June 28, 1909."

Complete by P. S. C. No. D–1290, effective July 4, 1909.

No. 1035; June 29, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twelve (12) cents per one hundred pounds on Talc, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Gouverneur, N. Y., to Cohoes, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6471, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 5, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1035, of date June 29, 1909."

Complete by P. S. C. No. 6471, effective July 3, 1909.

No. 1036; June 29, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct its tariff P. S. C., 2 N. Y., No. 5645, in connection with participating carriers, Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), The Pennsylvania Railroad Company, the Pittsburg, Shawmut and Northern railroad, Frank Sullivan Smith, Receiver, adding Hornell, N. Y., as a station to

which rates apply as shown on page 10 of the tariff, such station to take rates as per group letter "A" and route group No. 17; provided that a tariff naming said addition is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 5645, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be not later than July 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1036, of date June 29, 1900."

No schedule filed within time limit specified.

No. 1037; June 29, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee); order not used, schedule not filed within time limit.

No. 1038; June 29, 1909; The New York Central and Hudson River Railroad Company and West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That The New York Central and Hudson River Railroad Company and the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and are hereby authorized to cancel the item as shown in The New York Central and Hudson River Railroad Company's tariff P. S. C., 2 N. Y., No. 395, and West Shore railroad tariff P. S. C., 2 N. Y., No. 164, as shown on page 5, providing reduced rate transportation to Lake George, N. Y., for account of New York State Bankers Association meeting July 15, 16, 1909, and to provide similar regulations to apply to reduced rate transportation for the same organization to be held at Saratoga, N. Y., on same dates; provided that tariffs naming said changes are filed with the Commission as The New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 397, and West Shore railroad P. S. C., 2 N. Y., No. 165, and posted at stations at least three (3) days prior to the effective date specified in such tariffs, which effective date shall be not later than July 12, 1909. Such tariffs shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1038, of date June 29, 1909."

Complete by N. Y. C. P. S. C. 397 and W. S. P. S. C. 165, effective July 12, 1909.

No. 1039; June 30, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 2054, and to reëstablish the rates contained therein without change, except as follows: tariff now reads: "Paper, Wall (Finished), in carloads and less carloads, from Glens Falls, N. Y., to Sandy Hill, N. Y., 30 cents per 100 pounds"; change to read: Paper, Wall (Finished), in lots of ten thousand (10,000) pounds or more, from Glens Falls, N. Y., to Sandy Hill, N. Y., thirty (30) cents per net ton"; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 2066, and posted at stations at least twenty (20) days prior to the effective date specified in such tariff, which effective date shall be July 26, 1909. Such tariff shall bear the following notation: "Issued on twenty (20) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1039, of date June 30, 1909."

Complete by P. S. C. No. 2066, effective July 26, 1909.

No. 1040; June 30, 1909; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to establish rates, in cents per one hundred

pounds, from Port Chester, N. Y., to New York (Pier 50, East river), N. Y., on Bar Iron and Steel, or Steel Bolts or Nuts, Iron or Steel Rods (galvalized or plain), carloads, minimum weight thirty-three thousand (33,000) pounds, 4; and on Castiron Pipe and Fittings (released), less carloads, to Harlem River, N. Y., 5; provided that a tariff naming said rates is filed with the Commission as supplement No. 9 to tariff P. S. C., 2 N. Y., No. 136, and posted at stations at least five (5) days' prior to the effective date specified in such tariff, which effective date shall be not later than July 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1040, of date June 30, 1909."

Compete by supplement No. 9 to P. S. C. No. 136, effective July 6, 1909.

No. 1041; June 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighteen (18) cents per one hundred pounds on shipments of Whales, carloads, minimum weight thirty thousand (30,000) pounds, when loaded and unloaded by owners and charges are prepaid, from Buffalo, N. Y., to Rochester, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6477, and posted at stations as least one (1) day prior to the effective date specified in such tariff, which effective date specified in such tariff, which effective date shall be not later than July 6, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1041, of date June 30, 1909."

Complete by P. S. C. No. 6477, effective July 2, 1909.

No. 1042; July 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized, in connection with The Delaware, Lackawanna and Western Railroad Company, to cancel tariff P. S. C., 2 N. Y., No. 6458, and to reissue the rates contained therein without change other than as follows: tariff now reads "Rates per ton of 2000 pounds"; Change to read "Rates per ton of two thousand two hundred forty (2240) pounds"; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 6474, and posted at stations at least twenty (20) days prior to the effective date specified in such tariff, which effective date shall be August 1, 1909. Such tariff shall bear the following notation: "Issued on twenty (20) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1042, of date July 1, 1909."

Complete by P. S. C. No. 6474, effective August 1, 1909.

No. 1043; July 1, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its tariff containing exceptions to the official classification in connection with class rates applying from points upon its line of railroad, and add to the list of participating carriers the Manhattan Navigation Company; also to include points reached by the Manhattan Navigation Company in the territory shown therein on page 20 as territory "C" with a statement excepting this carrier from the application in connection with items Nos. 15, 16, 17, 24, 26, 45, 47, 49, 66, and 80 shown in the tariff; provided that a tariff containing said amendment is filed with the Commission as supplement No. 4 to tariff P. S. C., 2 N. Y., No. 1890, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 15, 1909. Such tariff

shall be so filed and posted within twenty (20) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1043, of date July 1, 1909."

Complete by supplement No. 4 to P. S. C. No. 1890, effective July 15, 1909.

No. 1044; July 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Lehigh Valley Railroad Company, rate of one dollar and ten cents ($1.10) per net ton on Crushed Stone, carloads, minimum weight to be the marked capacity of the car, but not less than forty thousand (40,000) pounds, from Little Falls, N. Y., to Etna, N. Y., Steven's Siding, N. Y., and Varna, N. Y., via Canastota, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6473, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1044, of date July 2, 1909."

Complete by P. S. C. No. 6473, effective July 8, 1909.

No. 1045; July 2, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The Delaware and Hudson Company and the Cooperstown and Charlotte Valley Railroad Company, on Crushed Stone, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand (40,000) pounds, the rates in cents per net ton, from South Bethlehem, N. Y., to New York state stations on Cooperstown and Charlotte Valley railroad, as follows: Portlandville and Milford, 115; Hartwick Seminary and Phœnix Mills, 120; via Voorheesville, N. Y., and The Delaware and Hudson Company's railroad; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1685, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1045, of date July 2, 1909."

Completed by P. S. C. No. 1685, effective July 8, 1909.

No. 1046; July 2, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized, in connection with the Buffalo, Rochester and Pittsburgh Railway Company, to cancel tariff SS-P. S. C., 2 N. Y., No. 529, containing rates applying to the shipment of Ice, carloads, from Lime Lake, N. Y., to various stations on the Buffalo, Rochester and Pittsburgh railway as shown in the tariff, and to reissue such rates without change, making same effective as provided in this order; provided that a tariff naming said rates is filed with the Commission as GO-P. S. C., 2 N. Y., No. 148, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1046, of date July 2, 1909."

Completed by GO.-P. S. C. No. 148, effective July 8, 1909.

No. 1047; July 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty-five (65) cents per net ton on Stone, Rough Building, Curb, Paving, and Refuse, carloads, from Albion, N. Y., Eagle Harbor, N. Y., Fancher, N. Y., Holley, N. Y., Lockport, N. Y., Medina, N. Y., and Middleport, N. Y., to Brighton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6484, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1047, of date July 2, 1909."

Complete by P. S. C. No. 6484, effective July 10, 1909.

No. 1048; July 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 38, containing rates applying to the shipment of Milk, Cream, and Pot Cheese, when shipped on milk trains, from stations on Mohawk division to New York, N. Y., and add Yonkers, N. Y., as a point to which such rates will apply; provided that a tariff naming said addition is filed with the Commission as supplement No. 2 to tariff P. S. C., 2 N. Y., No. 38, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1048, of date July 2, 1909."

Completed by Sup. No. 2 to P. S. C. No. 38, effective July 7, 1909.

No. 1049; July 2, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of seventy (70) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case marked capacity will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Newburgh, N. Y., to West Haverstraw, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1690, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 8, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. 1049, of date July 2, 1909."

Completed by P. S. C. No. 1690, effective July 8, 1909.

No. 1050; July 2, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 105, and to establish passenger fares, in cents per ticket, applying to the sale of round-trip excursion tickets to be sold each Sunday during the period July 11 to and including September 5, 1909, to Rockaway Beach, N. Y., from New York state stations as follows: Oyster Bay, Mill Neck, Locust Valley, Nassau, and Glen Cove, 75; Sea Cliff and Glen Head, 70; Roslyn and East Williston, 60; Mineola, West Hempstead, and Garden City, 50; the tariff also to provide

for sale of such tickets to children of five and under twelve years of age at one-half the fares named herein; such tickets will be limited for passage to date of sale and on such trains as are advertised on public time-tables to run on such days as through trains; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 107, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 11, 1909. Such tariff shall be so filed and posted within six (6) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1050, of date July 2, 1909."

Complete by P. S. C. No. 107, effective July 11, 1909.

No. 1051; July 2, 1909; International Railway Company:

Ordered: That the International Railway Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Ice, carloads, minimum carload weight to be specified in tariff, from North Tonawanda, N. Y., to Lockport, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 20, and posted at stations at least six (6) days prior to the effective date specified in such tariff, which effective date shall be not later than July 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on six (6) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1051, of date July 2, 1909."

Completed by P. S. C. No. 20, effective July 18, 1909.

No. 1052; July 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar per net ton on Building Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Brighton, N. Y., to Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6492, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 9, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1052, of date July 3, 1909."

Completed by P. S. C. No. 6492, effective July 12, 1909.

No. 1053; July 6, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to correct tariff P. S. C., 2 N. Y., No. 1638, applying on Grain and Grain Products, from stations on Mohawk and Western divisions of West Shore railroad; also stations on New York Central and Hudson River Railroad to stations on River, Mohawk, and Western divisions of West Shore railroad, including stations on New York Central and Hudson River railroad, to show reference to concurrence F4 No. 49 of The New York Central and Hudson River Railroad Company, but no change in rates to be made; provided that a tariff making said correction is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 1638, and posted at stations on the effective date specified in P. S. C., 2 N. Y., No. 1638, which effective date is July 8, 1909. Such supplement shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 1053, of date July 6, 1909."

Complete by supplement No. 1 to P. S. C. No. 1638, effective July 8, 1909.

No. 1054; July 7, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish on Ice in carloads, minimum carload weight twenty (20) net tons, rates in cents per net ton, from Corning, N. Y., to New York state stations as follows: Addison, 50; Bath, 50; Canisteo, 60; Hornell, 60; Mt. Morris, 70; Wayland, 60; Wellsville, 75; also to establish, in connection with the Bath and Hammondsport Railroad Company, rate of one (1) dollar per net ton on Ice in carloads, minimum weight twenty (20) net tons, from Corning, N. Y., to Hammondsport, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1359, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1054, of date July 7, 1909."

Completed by P. S. C. No. 1359, effective July 12, 1909.

No. 1055; July 8, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rates in cents per net ton as shown below from Benson Mines, N. Y., on Iron Ore Tailings, carloads, minimum weight marked capacity of car, but not less than fifty thousand (50,000) pounds, to Harrisville, N. Y., and Carthage, N. Y., 30; to Great Bend, N. Y., Felts Mills, N. Y., and Black River N. Y., 35; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6506, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 14, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1055, of date July 8, 1909."

Completed by P. S. C. No. 6506, effective July 12, 1909.

No. 1056; July 8, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per net ton on Gravel and Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Gouverneur, N. Y., to Talcville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6505, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 14, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1056, of date July 8, 1909."

Completed by P. S. C. No. 6505, effective July 14, 1909.

No. 1057; July 8, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seventy (70) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Sackets Harbor, N. Y., to Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6507, and posted at stations at least one (1) day

prior to the effective date specified in such tariff, which effective date shall be not later than July 14, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1057, of date July 8, 1909."

Completed by P. S. C. No. 6507, effective July 13, 1909.

No. 1058; July 8, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rates in cents per net ton as named below on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Corning, N. Y., to Beaver Dams, N. Y., 50; Dundee, N. Y., 60; and Geneva, N. Y., 75; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6501, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 14, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1058, of date July 8, 1909."

Completed by P. S. C. No. 6501, effective July 13, 1909.

No. 1059; July 8, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty (30) dollars for special train movements of Live Stock not exceeding five (5) cars, with an additional charge of five (5) dollars per car for each car in excess of five (5) cars, from Carthage, N. Y., to Port Leyden, N. Y., when such shipments are destined to points beyond; these charges to include the privileges of stop-off at Glenfield, N. Y., and Lyons Falls, N. Y., to complete loading, and of picking up cars loaded at Castorland and Lowville, and are in addition to the regular freight rates applicable on such shipments in carloads from Carthage, N. Y., Castorland, N. Y., Lowville, N. Y., Glenfield, N. Y., or Lyons Falls, N. Y., to final destination; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6508, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be July 17, 1909. Such tariff shall be so filed and posted and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1059, of date July 8, 1909."

Completed by P. S. C. No. 6508, effective July 17, 1909.

No. 1060; July 8, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of seventy-five (75) cents per net ton on Common, Building, and Hollow Brick; Fireproofing; and Drain Tile, carloads, minimum weight forty thousand (40,000) pounds, from Amboy, N. Y., to Fairmount, N. Y., Camilus, N. Y., Martisco, N. Y., and Half-Way, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1693, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 14, 1909. Such tariff shall be so filed and posted within five (5) days from

the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1060, of date July 8, 1909."

Completed by P. S. C. No. 1693, effective July 14, 1909.

No. 1061; July 8, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of forty-five (45) cents per net ton on Ice, carloads, medium weight as per official classification P. S. C., 2 N. Y., No. D-1025, from North Tonawanda, N. Y., to Buffalo, N. Y.; provided that tariffs are filed with the Commission as supplement to tariffs P. S. C., 2 N. Y., Nos. D-1105 and D-1282, and posted at stations at least one (1) day prior to the effective date specified in such tariffs, which effective date shall be not later than July 14, 1909. Such tariffs shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1061, of date July 8, 1909."

Completed by Sup. No. 4 to P. S. C. No. D-1105, and Sup. No. 2 P. S. C. D-1282, effective July 14, 1909.

No. 1062; July 8, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to correct tariff P. S. C., 2 N. Y., No. D-1282, and change point of shipment now shown as North Tonawanda, N. Y., on page 4 of said tariff, to read North Fair Haven, N. Y.; rates now shown in tariff P. S. C., 2 N. Y., No. D-1282, as applying from North Tonawanda, N. Y., to be continued without change, except as applying from North Fair Haven, N. Y.; provided that a tariff making said correction is filed with the Commission as supplement 1 to P. S. C., 2 N. Y., No. D-1282, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be July 23, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1062, of date July 8, 1909."

Complete by supplement 1 to P. S. C. D-1282, effective July 8, 1909.

No. 1063; July 8, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 232, and thereby eliminate the following paragraphs now shown under heading "Exceptions at Pier 32, East River, New York," in supplement 2 to said tariff viz., "Freight in excess of ten thousand (10,000) pounds from one consignor to one consignee in one working day will not be accepted for shipment from Pier 32, East River, New York." "All freight, regardless of quantity, except as listed above, will be accepted for shipment to Pier 32, East River, New York"; provided that a tariff making said cancellation is filed with the Commission as supplement 3 to P. S. C., 2 N. Y., No. 232, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 21, 1909.

It is further Ordered: That The Long Island Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 216, containing exceptions to official classification, and add the following: "Freight in carloads received or delivered at Pier 32, East River, New York, through the company's warehouses or sheds or over piers or platforms, will be loaded into and unloaded from cars by this company"; provided that a tariff making said correction is filed with the Commission as supplement to P. S. C., 2 N. Y., No. 216, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 21, 1909. Each tariff herein authorized shall bear the following

notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1063, of date July 8, 1909."

Complete by supplements 3 to 232 and 216, effective July 21, 1909.

No. 1064; July 9, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, via D., L. & W. Junction, N. Y., rate of seventy (70) cents per ton of two thousand (2000) pounds, on Rough Quarried and Crushed Stone and Amiesite, in carloads, minimum carload weight forty thousand (40,000) pounds, from General Crushed Stone Company's Siding, N. Y., Lime Rock, N. Y., and Hollisters Siding, N. Y., to Elmira, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 432, superseding and taking the place of rate of one (1) dollar per ton of two thousand (2000) pounds on Rough Quarried and Crushed Stone, carloads, now in force in tariff P. S. C., 2 N. Y., No. 411, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1064, of date July 9, 1909."

Complete by P. S. C. No. 432, effective July 20, 1909.

No. 1065; July 9, 1909; The New York, New Haven and Hartford Railroad Company:

Ordered: That The New York, New Haven and Hartford Railroad Company be and is hereby authorized to establish at Harlem River station, N. Y., and at stations in New York state east of New Rochelle, N. Y. (such stations to be named in tariff), in connection with the sale of tickets of The New York, New Haven and Hartford Railroad Company's issue applying in either direction between Harlem River and any of the said stations east of New Rochelle, the sale, at five (5) cents per ticket, of Interborough Rapid Transit Company individual tickets, each ticket to entitle holder to one five-cent ride in either direction on road of Interborough Rapid Transit Company; provided that a tariff naming said fare, plainly showing that such fare is obtained by use of local fare in either direction between Harlem River and any of said stations east of New Rochelle, and of local ticket fares established by Interborough Rapid Transit Company, and is not a through or joint fare, is filed with the Commission as P. S. C., 2 N. Y., No. 107, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 19, 1909. Such tariff shall be so filed and posted within seven (7) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1065, of date July 9, 1909."

Completed by P. S. C. No. 107, effective July 9, 1909.

No. 1066; July 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with The New York, New Haven and Hartford Railroad Company, a rate of one dollar and twenty cents ($1.20) per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Dover Furnace, N. Y., via Brewster, N. Y., to Stormville, N. Y., Holmes, N.

Y., and Green Haven, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C. 2 N. Y., No. 6512, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1066, of date July 10, 1909."

Completed by P. S. C. No. 6512, effective July 14, 1909.

No. 1067; July 10; 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty-five (45) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds except when the capacity of the car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from North Tonawanda, N. Y., to Buffalo (Erie Street, Ohio Street, and Carroll Street), N. Y., East Buffalo, N. Y., and Black Rock, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6513, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 16, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1067, of date July 10, 1909."

Completed by P. S. C. No. 6513, effective July 15, 1909.

No. 1068; July 10, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to supersede its local parlor car tariff P. S. C., 2 N. Y., No. 24, by a new tariff which shall make no change in rates or regulations now shown in P. S. C., 2 N. Y., No. 24, except to add thereto the following names of stations: viz., Northville, N. Y., Franklin, N. Y., Maywood, N. Y., Younds, N. Y., South Unadilla, N. Y., and Sidney, N. Y., with parlor car rates on same mileage basis as at present in force in tariff P. S. C., 2 N. Y., No. 24; provided that a tariff adding said names of stations and rates is filed with the Commission as P. S. C., 2 N. Y., No. 30, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1068, of date July 10, 1909."

Completed by P. S. C. No. 30, effective July 15, 1909.

No. 1069; July 10, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized, in connection with the Buffalo and Susquehanna Railway Company, to cancel joint freight tariff P. S. C., 2 N. Y., No. D–1302, and reissue rate shown therein of seventy-five (75) cents per net ton on Crushed Stone, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1025, from North LeRoy, N. Y., via Buffalo, N. Y., to Boston, N. Y, East Concord, N. Y., Hamburg, N. Y., North Boston, N. Y., and Springville, N. Y.; provided that a tariff naming said rate and superseding said P. S. C., 2 N. Y., No. D–1302, is filed with the Commission as P. S. C., 2 N. Y., No. D–1308, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 21, 1909. Such tariff shall be so filed and posted within ten (10) days from

the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1069, of date July 10, 1909."

Completed by P. S. C. No. D-1308, effective July 15, 1909.

No. 1070; July 12, 1909; Dansville and Mount Morris Railroad Company:

Ordered: That the Dansville and Mount Morris Railroad Company be and is hereby authorized to establish a local regulation providing that hand fire engines and fire apparatus will be moved between points at which conventions or musters of veteran or volunteer firemen's associations are held, charging the regular tariff rates on the forwarding movement with free return to point of shipment if the movement is local, or to junction point of connecting line if business is through, freight charges to be prepaid; provided that a tariff naming said regulation is filed with the Commission as P. S. C., 2 N. Y., No. 40, and posted at stations at least three (3) days prior to the effective date specified, which effective date shall be not later than July 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1070, of date July 12, 1909."

Completed by P. S. C. No. 40, effective July 19, 1909.

No. 1071; July 12, 1909; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to establish fares applying to the sale of single or round-trip party tickets between stations on the Hamburg, Dunkirk and Fredonia divisions, as follows: for parties of from 10 to 25 adults, 90 per cent per capita of regular fare; from 26 to 50 adults, 85 per cent per capita of regular fare; 51 to 100 adults, 75 per cent per capita of regular fare; 101 or more adults, 65 per cent per capita of regular fare; the basis for computing single-trip fares to be the regular single-trip fares in effect at time of sale; the basis for computing round-trip party fares to be the round-trip fare in effect at time of sale; and in cases where no round-trip fare is in effect, double the one-way single-trip fare will be used; tickets to be good for passage on regular trains only; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 16, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than July 25, 1909. Said tariff shall be so filed and posted within ten (10) days of the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1071, of date July 12, 1909."

Complete by P. S. C. No. 16, effective July 24, 1909.

No. 1072; July 13, 1909; Manhattan Navigation Company: not used; no schedule filed.

No. 1073; July 14, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish rate of thirty-five (35) cents per net ton on Gravel, carloads, minimum weight twenty (20) net tons, from Middle Falls, N. Y. (Gravel Pit), to Ondawa, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 221, and posted at stations at least two (2) days prior to the effective date specified in such tariff, which effective date shall be not later than July 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1073, of date July 14, 1909."

Complete by P. S. C. No. 221, effective July 25, 1909.

No. 1074; July 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per net ton on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Solvay, N. Y., to Humaston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6519, and posted at stations at least one (1) day prior to the effective date of such tariff, which effective date shall be not later than July 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1074, of date July 14, 1909."

Complete by P. S. C. No. 6519, effective July 19, 1909.

No. 1075; July 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Sand (except Glass and Moulding), carloads, minimum weight to be the marked capacity of car, but in no case less than forty thousand (40,000) pounds, from Lockport, N. Y., to Millers, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6520, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1075, of date July 14, 1909."

Complete by P. S. C. No. 6520, effective July 19, 1909.

No. 1076; July 14, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to cancel the rates on Ice, carloads, contained in supplement No. 2 to tariff P. S. C., 2 N. Y., No. D–1282, and in supplement No. 4 to tariff P. S. C., 2 N. Y., No. D–1105, and reissue such rates without change in a superseding tariff, together with a rate of seventy (70) cents per net ton on Ice, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1025, supplements thereto and superseding issues thereof, from East Ithaca, N. Y., to Ithaca, N. Y.; provided that tariffs naming said rates are filed with the Commission as supplement No. 3 to tariff P. S. C., 2 N. Y., No. D–1282, and supplement No. 5 to tariff P. S. C., 2 N. Y., No. D–1105, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1076, of date July 14, 1909."

Completed by supplement No. 3 to P. S. C. No. D–1282, and supplement No. 5 to P. S. C. No. D–1105, effective July 17, 1909.

No. 1077; July 15, 1909; Murray's Line:

Ordered: That the Murray's Line be and is hereby authorized to establish, in connection with the Boston and Maine Railroad and Greenwich and Johnsonville Railway Company, rate of seventeen and one-half (17½) cents per one hundred (100) pounds on Sulphate Alumina, Soda, Ammonia, and Potash, carloads, minimum weight thirty-six (36) thousand pounds, from points in New York city reached by the Murray's Line, and also points within lighterage limits in New York Harbor, to Battenville, N. Y., Trionda, N. Y., Middle

Falls, N. Y., Greenwich, N. Y., Center Falls, N. Y., Thomson, N. Y., via Troy, Boston and Maine railroad, and Johnsonville; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 8, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1077, of date July 15, 1909."

Completed by P. S. C. No. 8, effective July 17, 1909.

No. 1078; July 16, 1909; International Railway Company:

Ordered: That the International Railway Company be and is hereby authorized to establish rate of sixty (60) cents per net ton on Ice, carloads, minimum weight twenty (20) net tons, to apply in either direction between Lockport, N. Y., and Olcott, N. Y., and all stations directly intermediate thereto; all points from and to which the rate is to apply to be specified in the tariff; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 22, and posted at stations at least two (2) days prior to the effective date specified in such tariff, which effective date shall be not later than July 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1078, of date July 16, 1909."

Complete by P. S. C. No. 22, effective July 23, 1909.

No. 1079; July 19, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of ninety (90) cents per net ton on Ice in carloads, minimum weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of car will govern, but in no case will the minimum carload weight be less than twenty (20) net tons, from Oneida, N. Y., to Bouckville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1445, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 25, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1079, of date July 19, 1909."

Complete by P. S. C. No. 1445, effective July 21, 1909.

No. 1080; July 19, 1909; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to cancel supplements 2 and 3 to tariff P. S. C., 2 N. Y., No. 199, by the issuance of a superseding supplement, which supplement shall contain a reprint of all matter now shown in supplement No. 1, and in addition thereto all matter now shown in supplement 3, without change, except necessary changes in references to canceled schedules and schedules now in effect; provided that a tariff naming said correction is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 199, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be August 9, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1080, of date July 19, 1909."

Completed by supplement No. 4 to P. S. C. No. 199, effective August 9, 1909.

No. 1081; July 20, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized, in connection with the Boston and Albany railroad (The New

York Central and Hudson River Railroad Company, lessee), Boston and Maine Railroad, and The New York Central and Hudson River Railroad Company, to amend tariff P. S. C., 2 N. Y., No. 81, by a supplement to contain a reissue of the matter that was contained in supplement No. 2 rejected by the Commission, making no change therein except to show in connection with Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), Boston and Maine Railroad, and The New York Central and Hudson River Railroad Company, their concurrences under proper authority form and number as participating carriers therein; provided that a tariff naming said correction is filed with the Commission as supplement No. 3 to tariff P. S. C., 2 N. Y., No. 81, issued in lieu of supplement No. 2 rejected, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be August 9, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1081, of date July 30, 1909."

Complete by supplement No. 3 to P. S. C. No. 81, effective August 9, 1909.

No. 1082; July 20, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee): not used; schedule not filed.

No. 1083; July 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will minimum weight be less than forty thousand (40,000) pounds, from Hudson, N. Y., to Tarrytown, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6537, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1083, of date July 21, 1909."

Complete by P. S. C. 6537, effective July 27, 1909.

No. 1084; July 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish a proportional rate of one (1) dollar per gross ton on Iron Ore, carloads, minimum weight marked capacity of car, but not exceeding thirty-five (35) gross tons, and in no case less than twenty (20) gross tons, from Little Falls, N. Y. (ex-Little Falls and Dolgeville railroad), to Buffalo, N. Y., and North Tonawanda, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6539, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1084, of date July 21, 1909."

Complete by P. S. C. No. 6539, effective July 24, 1909.

No. 1085; July 21, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), be and is hereby authorized to establish on Sand and Gravel, carloads, minimum weight marked capacity of car, but

not less than forty thousand (40,000) pounds, from Wallkill, N. Y., to Forest Glen, N. Y., rate of twenty-five (25) cents per net ton; and to New Paltz, N. Y., rate of thirty (30) cents per net ton; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1705, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1085, of date July 21, 1909."

Complete by P. S. C. No. 1705, effective July 27, 1909.

No. 1086; July 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per net ton on Slab Wood and Edgings, carloads, minimum weight forty thousand (40,000) pounds, from Presho, N. Y., to North Tonawanda, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6541, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1086, of date July 21, 1909."

Complete by P. S. C. No. 6541, effective July 27, 1909.

No. 1087; July 21, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), be and is hereby authorized to cancel the rates on Sand and Gravel, carloads, now contained in tariff P. S. C., 2 N. Y., No. 1395, and to establish, on Sand and Gravel, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, rates in cents per net ton, from Ballina, N. Y., to Cazenovia, N. Y., Rippleton, N. Y., and Oran, N. Y., 30; Syracuse, N. Y., Manlius, N. Y., Fayetteville, N. Y., and De Sono, N. Y., 35; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1704, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1087, of date July 21, 1909."

Complete by P. S. C. No. 1704, effective July 27, 1909.

No. 1088; July 21, 1909; South Brooklyn Railway Company:

Ordered: That the South Brooklyn Railway Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 14 (Official Classification No. 33), and supplements thereto, by the issuance of a cancellation supplement; provided that a tariff making said cancellation is filed with the Commission as supplement No. 7 to P. S. C., 2 N. Y., No. 14, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be August 15, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1088, of date July 21, 1909."

Completed by supplement No. 7 to P. S. C. No. 14, effective August 15, 1909.

No. 1089; July 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Fonda, Johnstown and Gloversville Railroad Company, on shipments of Brick, Common, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will be the minimum weight, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, rates in cents per net ton, from Cohoes, N. Y., to Broadalbin, N. Y., and Mayfield, N. Y., 160; and to Cranberry Creek, N. Y., and Northville, N. Y., 180; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6530, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1089, of date July 21, 1909."

Complete by P. S. C. No. 6530, effective July 28, 1909.

No. 1090; July 23, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish in connection with The Delaware, Lackawanna and Western Railroad Company, a tariff on Hand Fire Engines and Fire Apparatus from Warsaw, N. Y., to Dansville, N. Y., and return, providing as follows: Forwarding movement, full regular tariff rate will be charged from point of shipment to the point to which muster or convention is held, charges to be prepaid; return movement, shipment will be returned free from muster or convention to original point of shipment, route via D., L. & W. Junction, N. Y.; provided that a tariff naming said regulation is filed with the Commission as P. S. C., 2 N. Y., No. 446, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 28, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1090, of date July 23, 1909."

Complete by P. S. C. No. 446, effective July 27, 1909.

No. 1091; July 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rates, in cents per net ton, on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Oneida, N. Y., as follows: to Croton-on-Hudson, N. Y., Hastings-on-Hudson, N. Y., and Tarrytown, N. Y., 200; and from Oneida, N. Y., to East Syracuse, N. Y., and Syracuse N. Y., 50; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6546, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 30, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1091, of date July 24, 1909."

Complete by P. S. C. No. 6546, effective July 29, 1909.

No. 1092; July 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Central New England Railway Company, rate of eight (8) cents per one hundred

pounds on Demijohns, empty, in carriers, returned, in straight carloads, and on Demijohns, empty, in carriers, and Bottles, empty, in carriers, returned, in mixed carloads, minimum weight twenty thousand (20,000) pounds, subject to Rule 27 of Official Classification (P. S. C., 2 N. Y., No. 5052; supplements thereto or superseding issues thereof), from New York, N. Y. (33rd Street, 60th Street, and 130th Street), via Fishkill Landing, N. Y., to Wicopee Junction, N. Y., and Matteawan, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6555, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 30, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1092, of date July 24, 1909."

Complete by P. S. C. 6555, effective July 29, 1909.

No. 1093; July 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with The Long Island Railroad Company, rate of two dollars and fifteen cents ($2.15) per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Karner, N. Y., to Hammel, N. Y., via 60th Street, New York, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6558, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than July 30, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1093, of date July 24, 1909."

Complete by P. S. C. No. 6558, effective July 30, 1909.

No. 1094; July 26, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of thirty-five (35) cents per net ton on Moulding Sand, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand (40,000) pounds, from South Schenectady, N. Y., to Troy, N. Y., Green Island, N. Y., and Cohoes, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 13 to tariff P. S. C., 2 N. Y., No. 814, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1094, of date July 26, 1909."

Complete by supplement No. 13 to P. S. C. No. 814, effective August 4, 1909.

No. 1095; July 26, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Sand, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D-1025, supplements thereto or superseding issues thereof, from McConnellsville, N. Y., to Sylvan Beach, N. Y.; provided that a tariff naming said rate

is filed with the Commission as P. S. C., 2 N. Y., No. D-1331, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1095, of date July 26, 1909."

Complete by P. S. C. No. D-1331, effective July 29, 1909.

No. 1096; July 26, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with the New York, Ontario and Western Railway Company, rate of one dollar and sixty-five cents ($1.65) per net ton on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from West Nyack, N. Y., to Delhi, N. Y., via Cornwall, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1703, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 1, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1096, of date July 26, 1909."

Complete by P. S. C. No. 1703, effective July 30, 1909.

No. 1097; July 26, 1909; Lake Champlain and Moriah Railroad Company:

Ordered: That the Lake Champlain and Moriah Railroad Company be and is hereby authorized to establish, in connection with The Delaware and Hudson Company and the Erie Railroad Company, rate of one dollar and fifty-five cents ($1.55) per gross ton on Iron Ore and Iron Ore Tailings, in carloads, minimum weight twenty-five (25) gross tons unless marked capacity of car is less, in which case the minimum weight will be the marked capacity of car, but in no case shall the minimum weight be less than fifteen (15) gross tons, from Mineville, N. Y., to Black Rock, N. Y., via Port Henry, N. Y., and Binghamton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 30, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1097, of date July 26, 1909."

Complete by P. S. C. No. 30, effective July 30, 1909.

No. 1098; July 27, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of one (1) dollar per net ton on Ice, carloads, minimum weight twenty-five (25) net tons unless the marked capacity of car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than twenty (20) net tons, from Walton, N. Y., to Bouckville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1448, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 2, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1098, of date July 27, 1909."

Complete by P. S. C. No. 1448, effective July 28, 1909.

No. 1099; July 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to cancel joint tariff P. S. C., 2 N. Y., No. 2088, and in connection with the Manhattan Navigation Company and the Greenwich and Johnsonville Railway Company, establish rate of seventeen and one-half (17½) cents per one hundred on Alum, Sulphate of Alumina, Ammonia, Soda, Potash, carloads, minimum weight thirty-six thousand (36,000) pounds, from New York, N. Y., including lighterage in New York Harbor, to Battenville, N. Y., Center Falls, N. Y., Greenwich, N. Y., Middle Falls, N. Y., Ondawa, N. Y., Thomson, N. Y., and Trionda, N. Y., via Albany, N. Y., Mechanicville, N. Y., and Johnsonville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2092, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1099, of date July 28, 1909."

Complete by P. S. C. No. 2092, effective July 31, 1909.

No. 1100; July 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and ten cents ($1.10) per net ton on Brick, Common Building, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Schenectady, N. Y., to Peekskill, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6574, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1100, of date July 28, 1909."

Complete by P. S. C. No. 6574, effective August 4, 1909.

No. 1101; July 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per net ton on Brick, Common and Paving, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Corning, N. Y., to Ferenbaughs, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to tariff P. S. C., 2 N. Y., No. 4873, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1101, of date July 28, 1909."

Completed by supplement No. 5 to P. S. C. No. 4873, effective August 7, 1909.

No. 1102; July 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to reissue supplement No. 2 to tariff P. S. C., 2 N. Y., No. 4799, making no change therein except to correct typographical error in rate on Crushed Stone, carloads, from Clarence Center, N. Y., to East Buffalo, N. Y., changing same to read forty-five (45) cents per

net ton; provided that a tariff naming said correction is filed with the Commission as supplement No. 3 to tariff P. S. C., 2 N. Y., No. 4799, and posted at stations at least fourteen (14) days prior to the effective date specified in such tariff, which effective date shall be August 21, 1909. Such tariff shall bear the following notation: "Issued on fourteen (14) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1102, of date July 28, 1909."

Completed by supplement No. 3 to P. S. C. No. 4799, effective August 21, 1909.

No. 1103; July 28, 1909; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized, in connection with carriers participating, to reissue supplement No. 3 to tariff P. S. C., 2 N. Y., No. 186, making no change therein other than to correct the closing phrase of the last sentence in the last paragraph of Rule 2, Item 47–1, to read: "and the weight thereof shall not be applied toward making up the required minimum weight of thirty thousand pounds"; provided that a tariff naming said correction is filed with the Commission as the consecutive supplement to tariff P. S. C., 2 N. Y., No. 186, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be August 6, 1909, except as otherwise noted in individual items. Such tariff shall be so filed and posted and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1103, of date July 28, 1909."

Complete by supplement No. 5 to P. S. C. No. 186, effective August 6, 1909.

No. 1104; July 30, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish on shipments of Brick, Common, Building, and Hollow; also Fireproofing and Drain Tile; in carloads, the rates in cents per net ton, from Amboy, N. Y., to New York state stations, as follows: Memphis, 35; Jordan, 40; Weedsport and Port Byron, 50; provided that a tariff naming said rates is filed with the Commission as supplement No. 4 to tariff P. S. C., 2 N. Y., No. 981, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1104, of date July 30, 1909."

Complete by supplement No. 4 to P. S. C. No. 981, effective August 7, 1909.

No. 1105; July 30, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish rate of four (4) dollars per car for switching service of carload freight in either direction between Jewettville (Jewettville Pressed & Paving Brick Company's siding), N. Y., and Orchard Park (Buffalo Clay Manufacturing Company's siding), N. Y.; provided that a tariff naming said charge is filed with the Commission as P. S. C., 2 N. Y., No. 447, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1105, of date July 30, 1909."

Complete by P. S. C. No. 447, effective August 4, 1909.

No. 1106; July 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized, in connection with The Delaware and Hudson Company, to establish rate of thirteen (13) cents per one hundred pounds on Lumber, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Potsdam, N. Y., to Raybrook, N. Y., via Saranac Lake, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6609, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1106, of date July 30, 1909."

Complete by P. S. C. No. 6609, effective August 4, 1909.

No. 1107; July 30, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with Silver Lake Railway Company, rate of eighty-five (85) cents per net ton on Brick, Building, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1034, supplements thereto or superseding issues thereof, from Town Line, N. Y., to Perry, N. Y., via Silver Springs, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1412, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than August 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1107, of date July 30, 1909."

Complete by P. S. C. No. 1412, effective August 6, 1909.

No. 1108; July 31, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish charge of thirty (30) dollars for special train movements not exceeding five (5) cars of Live Stock, with an additional charge of five (5) dollars per car for each car in excess of five (5) cars moved in special train, from Carthage, N. Y., to Port Leyden, N. Y., when such shipments are destined to points beyond. These charges to include the privileges of stop-off at Castorland, N. Y., Lowville, N. Y., Glenfield, N. Y., and Lyons Falls, N. Y., to complete loading, and to be in addition to the regular freight rates applicable on such shipments, in carloads, from Carthage, N. Y., Castorland, N. Y., Lowville, N. Y., Glenfield, N. Y., or Lyons Falls, N. Y., to final destination; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6618, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be August 21, 1909, and issued as canceling tariff P. S. C., 2 N. Y., No. 6508, in not less than thirty days from such date of filing and posting. Such tariff shall be so filed and posted and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1108, of date July 31, 1909."

Complete by P. S. C. No. 6618, effective August 21, 1909.

No. 1109; August 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per net ton on Cinders, n. o. s., carloads, minimum weight as per official classification

P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Black Rock, N. Y., to Depew, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6621, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 13, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1109, of date August 2, 1909."

Complete by P. S. C. No. 6621, effective August 6, 1909.

No. 1110; August 3, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, rate of ninety (90) cents per net ton on Ice, carloads, minimum weight as per official classification G. O.–P. S. C., 2 N. Y., No. 119, supplements thereto or superseding issues thereof, from Lime Lake, N. Y., to Cattaraugus, N. Y.; provided that a tariff naming said rate is filed with the Commission as G. O.–P. S. C., 2 N. Y., No. 12, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1110, of date August 3, 1909."

Complete by G. O.–P. S. C. No. 182, effective August 7, 1909.

No. 1111; August 3, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of two (2) dollars per car on all freight, except Coal and Coke, in carloads, when loaded on New York, Ontario and Western railway tracks within yard limits at Fulton, N. Y., for delivery to switches located within yard limits of New York, Ontario and Western Railway Company at Fulton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1451, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than August 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1111, of date August 3, 1909."

Completed by P. S. C. No. 1451, effective August 8, 1909.

No. 1112; August 3, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of forty (40) cents per net ton on Brick in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1025, supplements thereto or superseding issues thereof, from Geneva, N. Y., to Waterloo, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1329, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 14, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1112, of date August 3, 1909."

Complete by P. S. C. No. D–1329, effective August 6, 1909.

No. 1113; August 4, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, rate of one (1) dollar per ton of two thousand (2000) pounds on Building Brick, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 380, supplements thereto or superseding issues thereof, from Jewettville, N. Y., and Orchard Park, N. Y., to Randolph, N. Y., via Salamanca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 449, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 9, 1909. Such tariff shall be so filed and posted within four (4) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1113, of date August 4, 1909."

Complete by P. S. C. No. 449, effective August 7, 1909.

No. 1114; August 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Lima-Honeoye Electric Light and Railroad Company, rate of ninety (90) cents per net ton on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case less than forty thousand (40,000) pounds, from Black Rock, N. Y., Buffalo (Erie Street, Ohio Street, and Carroll Street), N. Y., and East Buffalo, N. Y., to Lima, N. Y., via Honeoye Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6638, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1114, of date August 5, 1909."

Complete by P. S. C. No. 6638, effective August 11, 1909.

No. 1115; August 5, 1909; Bath and Hammondsport Railroad Company: not used; tariff not filed in time limit.

No. 1115½; August 6, 1909; Jamestown, Chautauqua and Lake Erie Railway Company:

Ordered: That the Jamestown, Chautauqua and Lake Erie Railway Company be and is hereby authorized to establish, in connection with the Chautauqua Steamboat Company, excursion fare of fifty (50) cents for the round trip from Westfield, N. Y., to Celeron, N. Y., Jamestown, N. Y., Lakewood, N. Y., Maple Springs, N. Y. and Sheldon Hall, N. Y.; tickets to be sold daily from August 12, 1909, to and including September 9, 1909, limited for return passage to thirty (30) days from date of sale and to be good going and returning only on regular trains and steamers via Point Chautauqua, N. Y.; provided that a tariff naming said fare is filed with the Commission as P. S. C., 2 N. Y., No. 33, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be August 12, 1909.

Complete by P. S. C. No. 33, effective August 12, 1909.

No. 1116; August 6, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish, in connection with the New York Central and Hudson River Railroad Company, rate of fifteen (15) cents per one hundred (100) pounds on Hay, carloads, minimum weight as per official classification P. S.

C., 2 N. Y., No. D–1025, supplements thereto and superseding issues thereof, from all stations on Lehigh Valley railroad shown in its official list of freight stations, P. S. C., 2 N. Y., No. D–925, supplements thereto or superseding issues thereof, Willow Creek, N. Y., to Varick, N. Y., inclusive to Claremont Park, N. Y., Mount Vernon, N. Y., Port Morris, N. Y., Williams Bridge, N. Y., and Woodlawn, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1344, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 15, 1909. Such tariff shall be so filed and posted within eight (8) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1116, of date August 6, 1909."

Complete by P. S. C. No. D–1344, effective August 11, 1909.

No. 1117; August 6, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to cancel its tariff G. O.–P. S. C., 2 N. Y., No. 119 (Official Classification No. 33), and supplements thereto, by the issuance of a cancellation supplement; provided that supplement making said cancellation is filed with the Commission as supplement No. 6 to G. O.–P. S. C., 2 N. Y., No. 119, and posted at stations at least five (5) days prior to the effective date specified in such supplement, which effective date shall be August 15, 1909. Such supplement shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1117, of date August 6, 1909."

Complete by supplement No. 6 to G. O.–P. S. C. No. 119, effective August 15, 1909.

No. 1118; August 7, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Lehigh Valley Railroad Company, rate of one dollar and twenty-five cents ($1.25) per gross ton on Iron, Pig, carloads, minimum weight twenty-five (25) gross tons, except when the marked capacity of car is less, in which case the marked capacity of car will be the minimum weight, but in no case shall the minimum carload weight be less than fifteen (15) gross tons, from Charlotte, N. Y., to Groton, N. Y., via Weedsport, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6662, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 18, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1118, of date August 7, 1909."

Complete by P. S. C. No. 6662, effective August 11, 1909.

No. 1119; August 7, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of seventy-five (75) cents per net ton on Stone, Flagging and Curbing, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 1326, supplements thereto or superseding issues thereof, from Voorheesville, N. Y., to Castleton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1728, and posted at stations at least one (1) day prior to the effective date specified in such

tariff, which effective date shall be not later than August 13, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1119, of date August 7, 1909."

Complete by P. S. C. No. 1728, effective August 13, 1909.

No. 1120; August 7, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to correct its tariff P. S. C., 2 N. Y., No. 1661, in connection with participating carriers, The Pennsylvania Railroad Company and The Pittsburg, Shawmut and Northern Railroad Company, Frank Sullivan Smith, Receiver, adding Hornell, N. Y., as a station to which rates apply as shown on page 7 of the tariff, such station to take rates as per group letter "A" and route group No. 17; provided that a tariff naming said addition is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 1661, and posted at stations at least five (5) days prior to the effective date specified in such supplement, which effective date shall be not later than August 22, 1909. Such supplement shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1120, of date August 7, 1909."

Complete by supplement No. 1 to P. S. C. No. 1661, effective August 18, 1909.

No. 1121; August 7, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct its tariff P. S. C., 2 N. Y., No. 5645, in connection with participating carriers, Boston and Albany railroad (The New York Central and Hudson River Railroad Company, lessee), The Pennsylvania Railroad Company, The Pittsburg, Shawmut and Northern Railroad Company, Frank Sullivan Smith, Receiver, adding Hornell, N. Y., as a station to which rates apply as shown on page 10 of the tariff, such station to take rates as per group letter "A" and route group No. 17; provided that a tariff naming said addition is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 5645, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be not later than August 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1121, of date August 7, 1909."

Complete by supplement No. 1 to P. S. C. No. 5645, effective August 18, 1909.

No. 1122; August 7, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand (2000) pounds on Sand, carloads, minimum weight forty thousand (40,000) pounds, from Scottsville, N. Y., to Genesee Dock, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 455, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than August 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1122, of date August 7, 1909."

Complete by P. S. C. No. 455, effective August 13, 1909.

No. 1123; August 9, 1909; Buffalo and Lake Erie Traction Company:

Ordered: That the Buffalo and Lake Erie Traction Company be and is hereby authorized to establish a commutation ticket fare of one (1) cent per mile or fraction thereof, for the sale of fifty-four-trip commutation tickets good in either direction between stations on its Hamburg division; all stations and table showing distances between such stations to be shown in the tariff; provided that a tariff naming said fare is filed with the Commission as P. S. C., 2 N. Y., No. 20, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than August 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1123, of date August 9, 1909."

Complete by P. S. C. No. 20, effective August 22, 1909.

No. 1124; August 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighty (80) cents per gross ton of two thousand two hundred forty pounds on Iron Pyrites in carloads, minimum weight marked capacity of car, but not less than twenty (20) gross tons from Canton, N. Y., De Kalb Junction, N. Y., Gouverneur, N. Y., and Richville, N. Y., to Hinckley, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6672, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1124, of date August 10, 1909."

Complete by P. S. C. No. 6672, effective August 14, 1909.

No. 1125; August 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twelve (12) cents per one hundred (100) pounds on Bags, Paper; and sixteen (16) cents per one hundred (100) pounds on Machinery; carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from North Tonawanda, N. Y., to Dexter, N. Y., said rates to expire with close of business August 31, 1909, and tariff to give reference to tariff P. S. C., 2 N. Y., No. 6579, for future rates; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6665, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1125, of date August 10, 1909."

Complete by P. S. C. No. 6665, effective August 14, 1909.

No. 1126; August 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty-five (55) cents per net ton on Stone, Crushed, in carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Buffalo (Ohio Street, Erie Street, and Carroll Street), N. Y., also from East Buffalo, N. Y., and Black Rock, N. Y., to Model City, N. Y.; provided that a tariff naming said

rate is filed with the Commission as P. S. C., 2 N. Y., No. 6664, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1126, of date August 10, 1909."

Completed by P. S. C. No. 6664, effective August 14, 1909.

No. 1127; August 11, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 205, containing rates applying to shipments of Beets, Cabbage, Carrots, Onions, Potatoes, and Turnips, in straight or mixed carloads, minimum weight thirty thousand (30,000) pounds, from various stations local to the Long Island railroad to Bushwick, N. Y., East New York, N. Y., Flatbush Avenue, N. Y., Long Island City, N. Y., and Vanderveer Park, N. Y., and to reissue the same making no change therein except to make the same rates as apply to Long Island City, N. Y., plus one (1) cent per one hundred (100) pounds, to apply to Pier 32, East River, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 245, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than August 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1127, of date August 11, 1909."

Complete by P. S. C. No. 245, effective August 23, 1909.

No. 1128; August 12, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 6580, correcting the typographical errors contained in the table of rates as shown on page No. 49 therein, making changes in the sixth-class rate of rate reference numbers as filed; provided that a tariff naming said corrections is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 6580, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be September 1, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1128, of date August 12, 1909."

Complete by supplement No. 1 to P. S. C. No. 6580, effective September 1, 1909.

No. 1129; August 12, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 1718, correcting the typographical errors contained in the table of rates as shown on page 49 therein, making changes in the sixth-class rate of rate reference numbers as filed; provided that a tariff naming said corrections is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1718, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be September 1, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1129, of date August 12, 1909."

Complete by supplement No. 1 to P. S. C. No. 1718, effective September 1, 1909.

No. 1130; August 13, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of ninety (90) cents per net ton on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from West Nyack, N. Y., to Whiteport, N. Y., Binnewater, N. Y., Rosendale, N. Y., New Paltz, N. Y., and Forest Glen, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1745, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1130, of date August 13, 1909."

Complete by P. S. C. No. 1745, effective August 16, 1909.

No. 1131; August 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 6603, issued to take effect September 1, 1909, and to reissue the rates contained therein, making no change other than to add to the stations from which rates apply and to rate group letters, station Kalurah, N. Y., and rate group letter "C"; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 6679, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be September 1, 1909. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1131, of date August 13, 1909."

Complete by P. S. C. No. 6679, effective September 1, 1909.

No. 1132; August 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of nine (9) cents per one hundred (100) pounds on Nursery Moss, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 5052, supplements thereto or superseding issues thereof, from Camden, N. Y., to Newark, N. Y., and East Rochester, N. Y. (New York Central and Hudson River railroad delivery); also Newark, N. Y., (West Shore railroad delivery); provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6677, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1132, of date August 13, 1909."

Complete by P. S. C. No. 6677, effective August 19, 1909.

No. 1133; August 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and thirty cents ($1.30) per net ton on Granite, Rough Dressed, in carloads, minimum weight fifty thousand (50,000) pounds, from Port Morris, N. Y., to Brewster, N. Y.; provided that a tariff naming said rate is filed with the Commission

as P. S. C., 2 N. Y., No. 6681, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1133, of date August 14, 1909."

Complete by P. S. C. No. 6681, effective August 20, 1909.

No. 1134; August 14, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of five (5) cents per one hundred (100) pounds on Grain and Grain Products, carloads, as per list and minimum weights shown in exceptions to official classification tariff P. S. C., 2 N. Y., No. 1238, supplements thereto or superseding issues thereof, from Oakfield, N. Y., to Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 1638, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1134, of date August 14, 1909."

Complete by supplement No. 2 to P. S. C. No. 1638, effective August 21, 1909.

No. 1135; August 14, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with Delaware and Eastern Railway Company, rate of one (1) dollar per net ton on Ice, in carloads, minimum weight twenty-five (25) net tons unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case will the minimum weight be less than twenty (20) net tons, from Hamden, N. Y., to Margaretville, N. Y., via East Branch, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1460, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1135, of date August 14, 1909."

Complete by P. S. C. No. 1460, effective August 18, 1909.

No. 1136; August 14, 1909; Bath and Hammondsport Railroad Company:

Ordered: That the Bath and Hammondsport Railroad Company be and is hereby authorized to establish a rate of two dollars and fifty cents per car, applying to the switching of freight in carloads from track connection with the Erie railroad at Bath, N. Y., to private sidings reached by the Bath and Hammondsport railroad at Bath, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 20, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than August 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1136, of date August 14, 1909."

Complete by P. S. C. No. 20, effective August 20, 1909.

No. 1137; August 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand (50,000) pounds except when capacity of car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, from Gasport, N. Y., to New York state stations, as follows: Sanborn, 65; Lockport, 50; Middleport, 50; Medina, 65; Knowlesville, 65; Eagle Harbor, 65; Albion, 65; Fancher, 65; Holley, 80; Brockport, 80; Adams Basin, 80; Spencerport, 80; South Greece, 80; Rochester, Kent Street and Portland Avenue, 80; Brighton, 80; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6687, and posted at stations at least one (1)) day prior to the effective date specified in such tariff, which effective date shall be not later than August 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1137, of date August 16, 1909."

Complete by P. S. C. No. 6687, effective August 23, 1909.

No. 1138; August 17, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and thirty cents ($1.30) per net ton on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from New Hamburgh, N. Y., to Fulton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6692, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1138, of date August 17, 1909."

Complete by P. S. C. No. 6692, effective August 21, 1909.

No. 1139; August 17, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish, for summer shipments, rate of sixty (60) cents per net ton on Ice, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1250, supplements thereto or superseding issues thereof, from Cayuga, N. Y., to Ithaca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1349, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1139, of date August 17, 1909."

Complete by P. S. C. No. D–1349, effective August 21, 1909.

No. 1140; August 18, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 29 by a supplement issued to said tariff canceling the rates contained therein, giving reference therein for future rates as is required by the tariff rules; provided that a tariff naming said amendment is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 29, and posted at stations at least one

(1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 29, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1140, of date August 18, 1909."

Complete by supplement No. 4 to P. S. C. No. 29, effective August 23, 1909.

No. 1141; August 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Fonda, Johnstown and Gloversville Railroad Company, rate of two dollars and fifty cents ($2.50) per two thousand (2000) pounds on Brick, Common, carloads; and rate of two dollars and thirty cents ($2.30) per two thousand (2000) pounds on Brick, Paving, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, from Corning, N. Y., to Gloversville, N. Y., via Fonda, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6700, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 31, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1141, of date August 20, 1909."

Complete by P. S. C. No. 6700, effective August 24, 1909.

No. 1142; August 20, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of fifty (50) cents per ton of two thousand (2000) pounds on Building Stone, carloads, minimum weight sixty thousand (60,000) pounds, from South Utica, N. Y., to Rome, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1753, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than August 31, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1142, of date August 20, 1909."

Complete by P. S. C. No. 1753, effective August 26, 1909.

No. 1143; August 21, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, for and in connection with the Silver Lake Railway Company, rate of seventy-five (75) cents per net ton on Ice, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C., No. 34 (issued by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, from Perry, N. Y., on Silver Lake railway, to Erie railroad New York state stations Geneseo, Avon, South Lima, and Livonia; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1446, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than September 3, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1143, of date August 21, 1909."

Complete by P. S. C. No. 1446, effective August 27, 1909.

No. 1144; August 23, 1909; Hudson Valley Railway Company:

Ordered: That the Hudson Valley Railway Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 2, extending for the period August 24 to 27, 1909, both inclusive, the fare limits on local line, Glens Falls, Sandy Hill, and Fort Edward, to read: "In either direction between any point within the corporate limits of Glens Falls, N. Y., or South Glens Falls, N. Y., and the entrance of the Washington County Fair Grounds, Sandy Hill, N. Y., five (5) cents"; provided that a tariff naming said change is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 2, and posted at stations one (1) day prior to the effective date specified in such tariff, which effective date shall be August 24, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1144, of date August 23, 1909."

Complete by supplement No. 1 to P. S. C. No. 2, effective August 24, 1909.

No. 1145; August 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 6635, on its effective date, by the issuance of a superseding tariff, making only such changes therein necessary to correct the clerical and typographical errors contained therein, which are specified in copy of proposed tariff accompanying the application and which is hereby made a part of this order; provided that a tariff naming said reissued and corrected rates is filed with the Commission as tariff P. S. C., 2 N. Y., No. 6689, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be September 1, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1145, of date August 23, 1909."

Complete by P. S. C. No. 6689, effective September 1, 1909.

No. 1146; August 24, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 133, by a supplement canceling the joint rates contained therein applying to traffic to points on The New York Central and Hudson River Railroad Company and West Shore railroad (The New York Central and Hudson River railroad Company lessee), giving reference to tariff P. S. C., 2 N. Y., No. 870, for future rates; provided that a tariff naming such cancellation and reference for future rates is filed with the Commission as supplement No. 14 to tariff P. S. C., 2 N. Y., No. 133 and posted at stations at least fifteen (15) days prior to the effective date specified therein, which effective date shall be September 16, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1146, of date August 24, 1909."

Complete by supplement No. 14 to P. S. C. No. 133, effective September 16, 1909.

No. 1147; August 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its local and joint freight tariff P. S. C., 2 N. Y., No. 6598, and to reëstablish the rates therein contained applying locally and jointly in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), making no change therein other than to correct reference given to tariffs in which future rates will be found, and also to establish on Sulphite Pulp, Wood

Pulp, and Wood Pulp Screenings, in carloads, minimum weight 40,000 pounds, the rates in cents per 100 pounds, to Harrisville, N. Y., from New York state points as follows: Lyons Falls and Port Leyden, 4; Black River and Felts Mills, 2½; Norwood, 6; provided that a tariff naming said rates is filed with the Commission as tariff P. S. C., 2 N. Y., No. 6704, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be September 1, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1147, of date August 24, 1909."

Complete by P. S. C. No. 6704, effective September 1, 1909.

No. 1148; August 25, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad be and is hereby authorized to establish jointly, in connection with The New York Central and Hudson River Railroad Company, to apply to the shipment of Iron and Steel Articles, as specified in Delaware, Lackawanna and Western Railroad Company freight tariff P. S. C., 2 N. Y., No. 700, supplements thereto, or superseding issues thereof, as taking Manufactured Iron and Steel Rates, in less carloads, also in carloads, minimum weight as provided by the official classification P. S. C., 2 N. Y., O. C., No. 34 (issued by F. S. Hölbrook, agent), and supplements thereto or superseding issues thereof, from Binghamton, N. Y., Cortland, N. Y., Homer, N. Y., and Owego, N. Y., to New York state stations on Ontario and St. Lawrence divisions (said stations to be specified in the tariff), the rates now in effect as are shown in joint freight tariff P. S. C., 2 N. Y., No. 601; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 895, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be September 16, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1148, of date August 25, 1909."

Complete by P. S. C. No. 895, effective September 16, 1909.

No. 1149; August 25, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company, jointly in connection with the Raquette Lake Railway Company and The Delaware and Hudson Company, be and is hereby authorized to cancel joint freight tariff P. S. C., 2 N. Y., No. 6695, on its effective date, September 20, 1909, and to establish on Wood, Pulp, in carloads, minimum twelve (12) cords per car, the rate of $3.50 per cord from Raquette Lake, N. Y., to Ballston, N. Y., and $3.75 per cord to Sandy Hill, N. Y., via Clearwater, N. Y., and Schenectady, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6709, and posted at stations fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be September 20, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1149, of date August 25, 1909."

Complete by P. S. C. No. 6709, effective September 20, 1909.

No. 1150; August 26, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of 95 cents per net ton on Crushed Stone, carloads, minimum weight marked capacity of car, but in no case less than 40,000 pounds, from West Nyack, N. Y., to Gardiner, N. Y., and Wallkill, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y.,

No. 1754, and posted at stations one day prior to the effective date specified in such tariff, which effective date shall be not later than September 1, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1150, of date August 26, 1909."

Complete by P. S. C. No. 1754, effective August 30, 1909.

No. 1151; August 26, 1909; the Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to establish rate of 65 cents per 2000 pounds on Manure in carloads, minimum weight 44,000 pounds, from East Williston, N. Y., to Bridgehampton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 247, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than September 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1151, of date August 26, 1909."

Complete by P. S. C. No. 247, effective September 4, 1909.

No. 1152; August 26, 1909; Delaware and Eastern Railway Company:

Ordered: That the Delaware and Eastern Railway Company be and is hereby authorized to establish, in connection with the New York, Ontario and Western Railway Company, rate of ten (10) cents per 100 pounds on lumber in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C., No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from all Delaware and Eastern Railway Company stations except East Branch, N. Y., to Monticello, N. Y., and all New York, Ontario and Western Railway Company stations intermediate between East Branch, N. Y., and Monticello, N. Y., where no lower rate is now in effect, via East Branch, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 129, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 1, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1152, of date August 26, 1909."

Complete by P. S. C. No. 129, effective September 1, 1909.

No. 1153; August 27, 1909; Buffalo and Susquehanna Railway Company:

Ordered: That the Buffalo and Susquehanna Railway Company be and is hereby authorized to establish rate of 30 cents per ton of 2000 pounds on Brick, Common Building, carloads, minimum weight 20 tons, from Buffalo, N. Y., and Blasdell, N. Y., to North Boston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 151, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1153, of date August 27, 1909."

Complete by P. S. C. No. 151, effective August 31, 1909.

No. 1154; August 27, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of $1.10 per gross ton (2240 lbs.) on Slag, carloads, minimum weight as per official classification P. S. C., 2 N. Y.,

No. D–1250, supplements thereto and superseding issues thereof, from Buffalo, N. Y., to East Ithaca, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1376, and filed at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1154, of date August 27, 1909."

Complete by P. S. C. No. D–1376, effective September 1, 1909.

No. 1155; August 27, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of 70 cents per ton of 2000 pounds on Ice, carloads, minimum weight 20 net tons, from Corning, N. Y., to South Lima, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1457, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than September 9, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1155, of date August 27, 1909."

Complete by P. S. C. No. 1457, effective September 3, 1909.

No. 1156; August 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to correct its joint and proportional freight tariff of commodity rates P. S. C., 2 N. Y., No. 6540, in connection with carriers participating as shown therein, changing the list of articles of Petroleum and Petroleum Products, to which the rates applying from Rochester, N. Y., to New York state points south and west of Buffalo, N. Y., taking 60 per cent of New York-Chicago rate, as shown on page 43, adding thereto the following named articles: benzine, benzol, carbon oil, coal oil, crude oil, distillates, fuel oil, gas oil, gasoline, kerosene oil, mineral oil, naphtha, paraffine oil, tar; provided that a tariff naming said change is filed with the Commission in tariff supplement No. 2 to tariff P. S. C., 2 N. Y., No. 6540, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be September 1, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1156, of date August 28, 1909."

Complete by supplement No. 2 to P. S. C. No. 6540, effective September 1, 1909.

No. 1157; August 27, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish rate of 40 cents per ton of 2240 pounds on Stone, Crushed, carloads, minimum weight 40,000 pounds, from Northumberland, N. Y., to Greenwich, N. Y.; provided that a tariff naming said rate shall be filed with the Commission as P. S. C., 2 N. Y., No. 225, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 7, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1157, of date August 27, 1909."

Complete by P. S. C. No. 225, effective August 31, 1909.

No. 1158; August 28, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized, in connection with the Lehigh Valley Railroad Company, to establish rate of $1.60 per net ton on Ice, carloads, minimum weight 25 net tons unless the marked capacity of car is less, in which case the marked capacity will govern, but in no case will the minimum weight be less than 20 net tons, from Smyrna, N. Y., to East Homer, N. Y., via Fish Creek, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1475, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order, and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1158, of date August 28, 1909."

Complete by P. S. C. No. 1475, effective September 1, 1909.

No. 1159; August 28, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Lumber and Forest Products, except Logs, as specified in its freight tariff P. S. C., 2 N. Y., No. 5551, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C., No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, rate of three (3) cents per 100 pounds from Oswegatchie, N. Y., Aldrich, N. Y., Jayville, N. Y., Kalurah, N. Y., Bacon, N. Y., Harrisville, N. Y., and Lake Bonaparte, N. Y., to Carthage, N. Y.; provided that a tariff naming said rate shall be filed with the Commission as supplement No. 2 to tariff P. S. C., 2 N. Y., No. 5551, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1159, of date August 28, 1909."

Complete by supplement No. 2 to P. S. C. No. 5551, effective September 7, 1909.

No. 1160; August 30, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, on Ice in carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, the rates per ton of two thousand (2000) pounds, as follows: from Byron Center, N. Y., to Morton, N. Y., one (1) dollar, and to Burt, N. Y., one dollar and ten cents ($1.10); provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1755, and posted at stations at least one (1) day prior to the enective date specified in such tariff, which effective date shall be not later than September 5, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1160, of date August 30, 1909."

Complete by P. S. C. No. 1755, effective September 4, 1909.

No. 1161; August 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Raquette Lake Railway Company, rates of one dollar and fifty-three cents ($1.53) per one hundred (100) pounds, minimum charge two (2) dollars, on less carloads; and fifty-one (51) cents per one hundred pounds, minimum weight twenty thousand (20,000) pounds, on carloads, of High Explosives as named in list and subject to conditions shown in N. Y. C. & H. R., P. S. C., 2 N. Y., No. 4909, from Utica, N. Y., to Raquette Lake, N. Y., via Clearwater, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6739, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1161, of date August 30, 1909."

Complete by P. S. C. No. 6739, effective September 9, 1909.

No. 1162; August 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, rates per ton of two thousand (2000) pounds as named from Buffalo (Carroll Street, Ohio Street, and Erie Street), N. Y., Black Rock, N. Y., and East Buffalo, N. Y., to Burt, N. Y., eighty (80) cents; to Morton, N. Y., one dollar and twenty cents ($1.20); provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to tariff P. S. C., 2 N. Y., No. 5626, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1162, of date August 30, 1909."

Complete by supplement No. 2 to P. S. C. No. 5626, effective September 7, 1909.

No. 1163; August 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty-five (35) cents per ton of two thousand (2000) pounds on Building Sand, carloads, minimum weight to be marked capacity of car, but not less than forty thousand (40,000) pounds, from Schenectady, N. Y., to Cohoes, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6716, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 5, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1163, of date August 30, 1909."

Complete by P. S. C. No. 6716, effective September 4, 1909.

No. 1164; September 1, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company, in connection with The New York Central and Hudson River Railroad Company and Boston and

Albany railroad (The New York Central and Hudson River Railroad Company, lessee), be and is hereby authorized to amend its joint and proportional commodity tariff P. S. C., 2 N. Y., No. 2109, and to establish to stations on Boston and Albany railroad, Brookview, N. Y., to Canaan, N. Y., index numbers 1 to 13 inclusive, as shown in The Delaware and Hudson Company's joint class rate tariff P. S. C., 2 N. Y., No. 1940, and supplements thereto or superseding issues thereof, in place of item number one, page five of tariff P. S. C., 2 N. Y., No. 2109, the rate of two (2) dollars per one thousand (1000) brick, on Brick, Common Building, in carloads, minimum ten thousand (10,000) brick, from Mechanicville, N. Y., (D. & H. tracks only); also to establish, in addition to rate now shown in item twenty-nine, page ten of tariff P. S. C., 2 N. Y., No. 2109, the rate of fifteen (15) cents per one hundred (100) pounds on Paper, Printing and Wrapping, in rolls or bundles, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), and supplements thereto or superseding issues thereof, from Delano Junction, N. Y.; provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 2109, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be September 24, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1164, of date September 1, 1909."

Complete by supplement No. 1 to P. S. C. No. 2109, effective September 24, 1909.

No. 1165; September 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ten (10) cents per one hundred (100) pounds on Marble, Granite, or Stone, Planed or Sawed, Rough, Dressed, or Rough Dressed, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. O. C. 34 (issued by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, from Port Morris, N. Y., to Buffalo (Carroll Street, Erie Street, and Ohio Street), N. Y., East Buffalo, N. Y., East Buffalo Stock Yards, N. Y., Black Rock, N. Y., North Tonawanda, N. Y., LaSalle, N. Y., Echota, N. Y., Niagara Falls, N. Y., Suspension Bridge, N. Y., and Lewiston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6755, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 13, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1165, of date September 2, 1909."

Completed by P. S. C. No. 6755, effective September 14, 1909.

No. 1166; September 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of six (6) cents per one hundred (100) pounds on Building Stone, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. O. C. 34 (issued by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, from Potsdam, N. Y., to South Utica, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6761, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation:

"Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1166, of date September 4, 1909."

Completed by P. S. C. No. 6761, effective September 10, 1909.

No. 1167; September 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Lehigh Valley Railroad Company, rates in cents per net ton as specified herein, on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless marked capacity of car is less, in which case marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, from Corning, N. Y., via Geneva, N. Y., to Sheldrake, N. Y., 130; and to Kings Ferry, N. Y., 150; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6762, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No 1167, of date September 4, 1909."

Completed by P. S. C. No. 6762, effective September 11, 1909.

No. 1168; September 4, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of fifty-five (55) cents per net ton on Stone, Crushed; Sand; and Gravel, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from Kingston, N. Y., to Wallkill, N. Y., and from Kingston, N. Y., to all stations intermediate between Kingston, N. Y., and Wallkill, N. Y., to which the same or a lower rate on the above named commodities is not now in force; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1770, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1168, of date September 4, 1909."

Complete by P. S. C. No. 1770, effective September 9, 1909.

No. 1169; September 4, 1909; Huntington Railroad Company:

Ordered: That the Huntington Railroad Company be and is hereby authorized to supersede its passenger tariff P. S. C., 2 N. Y., No. 2, and change fares shown therein between Huntington, N. Y., railroad station, and the railroad station at Farmingdale, N. Y., and between Amityville, N. Y., and the railroad station at Farmingdale, N. Y., as follows: between Huntington railroad station and any point within the village limits of Farmingdale, fifteen (15) cents; between Amityville and any point within the village limits of Farmingdale, ten (10) cents; but to make no other change in fares, charges, or regulations; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 3, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 10, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1169, of date September 4, 1909."

Complete by P. S. C. No. 3, effective September 10, 1909.

No. 1170; September 4, 1909; Central New England Railway Company:

Ordered: That the Central New England Railway Company be and is hereby authorized to establish rate of sixty-five (65) cents per net ton on Sand in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. 473, supplements thereto or superseding issues thereof, from Fishkill Landing Dock, N. Y., to St. Elmo, N. Y., and from Fishkill Landing Dock, N. Y., to all stations intermediate between Fishkill Landing Dock, N. Y., and St. Elmo, N. Y., to which stations the same or a lower rate on Sand, carloads, is not now in effect; such rate of sixty-five (65) cents per net ton to include the Central New England Railway Company's hoisting charges of twenty-five (25) cents per net ton from boat to cars; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 484, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1170, of date September 4, 1909."

Complete by P. S. C. No. 484, effective September 10, 1909.

No. 1171; September 8, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The Ulster and Delaware Railroad Company, rate of one dollar and seventy cents ($1.70) per net ton on Crushed Stone, carloads, minimum weight to be marked capacity of car, but not less than forty thousand (40,000) pounds, from West Nyack, N. Y., to Grand Gorge, N. Y., via Kingston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1769, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 19, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1171, of date September 8, 1909."

Complete by P. S. C. No. 1769, effective September 14, 1909.

No. 1172; September 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per ton of two thousand two hundred forty pounds on Iron Pyrites in carloads, minimum weight marked capacity of car, but not less than twenty (20) tons of two thousand two hundred forty pounds, from Ogdensburg, N. Y., to Buffalo (Carroll Street, Erie Street, and Ohio Street), N. Y., East Buffalo, N. Y., and Black Rock, N. Y., provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6772, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1172, of date September 9, 1909."

Complete by P. S. C. No. 6772, effective September 13, 1909.

No. 1173; September 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum

weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case marked capacity of car will govern, but in no case shall the minimum weight be less than forty thousand (40,000) pounds, the rates in cents per net ton, from Oneida, N. Y., to New York state stations as follows: Rochester, 120; Williamson, 140; Geneva, 100; Waterloo, 85; Seneca Falls, 80; Schenectady, 120; Troy, 140; Albany, 140; Poughkeepsie, 175; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6775, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1173, of date September 9, 1909."

Complete by P. S. C. No. 6775, effective September 15, 1900.

No. 1174; September 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, rate of eighty-five (85) cents per ton of two thousand (2000) pounds on Crushed Stone, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand (40,000) pounds, from Little Falls, N. Y., to Richfield Springs, N. Y., via Utica N. Y., said rate to expire with the close of business October 3, 1909, and tariff to give reference for future rates to The New York Central and Hudson River Railroad Company's tariff P. S. C., 2 N. Y., No. 6749, in which tariff the foregoing rate will be continued in effect on and after October 4, 1909; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6765, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1174, of date September 10, 1909."

Complete by P. S. C. No. 6765, effective September 15, 1909.

No. 1175; September 10, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of eighty-five (85) cents per ton or two thousand (2000) pounds on Crushed Stone, Sand, and Gravel, carloads, minimum weight to be marked capacity of car, but not less than forty thousand (40,000) pounds, from Jones Point, N. Y., to Gardiner, N. Y., and Wallkill, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1776, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 21, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1175, of date September 10, 1909."

Complete by P. S. C. No. 1776, effective September 16, 1909.

No. 1176; September 11, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of one dollar and fifteen cents ($1.15) per ton of two thousand two hundred forty (2240) pounds on Scrap, Iron or Steel; Axles, Old Car;

Borings, Iron or Steel; Rails, Old; Turnings, Iron or Steel; Wheels, Old Car (loose or attached to axles); from Oneida Castle, N. Y., and Vernon, N. Y., to Albany, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to tariff P. S. C., 2 N. Y., No. 1418, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1176, of date September 11, 1909."

Complete by supplement No. 3 to P. S. C. No. 1418, effective September 20, 1909.

No. 1177; September 13, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to amend its tariff G. O., P. S. C., 2 N. Y., No. 78, adding thereto on page No. 2, under the heading "Fruits and Vegetables upon which the rates named in this tariff apply," the commodity Pears; provided that a tariff naming said addition is filed with the Commission as supplement No. 1 to G. O., P. S. C., 2 N. Y., No. 78, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 24, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1177, of date September 13, 1909."

Complete by supplement No. 1 to G. O., P. S. C. No. 78, effective September 19, 1909.

No. 1178; September 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand (2000) pounds on Chips, Pulp Wood, carloads, minimum weight thirty thousand (30,000) pounds, from Aldrich, N. Y., to Carthage, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6810, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1178, of date September 14, 1909."

Complete by P. S. C. No. 6810, effective September 18, 1909.

No. 1179; September 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand (2000) pounds on Stone, Rough, carloads, minimum weight to be marked capacity of car, but not less than forty thousand (40,000) pounds, from Corning, N. Y., to Ferenbaughs, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6821, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1179, of date September 14, 1909."

Complete by P. S. C. No. 6821, effective September 18, 1909.

No. 1180; September 14, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish on Ice, carloads, minimum weight twenty-five (25) net tons unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum carload weight be less than twenty (20) net tons, the rates in cents per net ton of two thousand (2000) pounds, from Kyserike, N. Y., and Kerhonkson, N. Y., to Campbell Hall, N. Y., including delivery on Clarks Siding, 85; to Wurstboro, N. Y., 70; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1485, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1180, of date September 14, 1909."

Complete by P. S. C. No. 1485, effective September 17, 1909.

No. 1181; September 15, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, rate of one dollar and seventy-two cents ($1.72) per net ton on Iron Ore Tailings in carloads, minimum weight forty thousand (40,000) pounds, from Lyon Mountain, N. Y., to Conklin, N. Y., and Chenango Bridge, N. Y., via Binghamton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2144, and posted at stations at least one (1) day to the effective date specified in such tariff, which effective date shall be not later than September 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1181, of date September 15, 1909."

Completed by P. S. C. No. 2144, effective September 18, 1909.

No. 1182; September 15, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Murray's Line, via Troy, N. Y., joint and proportional rates on various commodities hereinafter specified, in carloads, minimum weight as per official classification, The Delaware and Hudson Company's P. S. C., 2 N. Y., No. 2080, supplements thereto or superseding issues thereof, except as otherwise provided herein, the rates in cents per one hundred (100) pounds, from and to New York state stations as follows: On Bags, Paper, in carloads, from Ballston and Sandy Hill to New York, local delivery, 13; to New York, including lighterage within lighterage limits of New York Harbor, 15; to Brooklyn Eastern District Terminal, Bush Docks Terminal, and Jay Street Terminal, Brooklyn, 14. On Lime, carloads, minimum weight forty thousand (40,000) pounds, from Glens Falls and Smith's Basin to New York, local delivery, 7½. On Paper, Printing and Wrapping, in carloads, from Ballston, Corinth, Fort Edward, Glens Falls, and Sandy Hill, to New York, local delivery, 13; from Ballston and Sandy Hill to Brooklyn Eastern District Terminal, Bush Docks Terminal, and Jay Street Terminal, Brooklyn, 15; from Ballston, Hadley, Sandy Hill, Thurman, and Warrensburg to New York, including lighterage within lighterage limits of New York Harbor, 15; from Corinth, Fort Edward, and Glens Falls to New York, including lighterage within lighterage limits of New York Harbor, 14. On Paper, Wall, in carloads, from Glens Falls and Sandy Hill to New York, local delivery, 15; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2142, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 26, 1909. Such tariff shall be so filed and

posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1182, of date September 15, 1909."

Completed by P. S. C. No. 2142, effective September 23, 1909.

No. 1183; September 15, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with Murray's Line, via Troy, N. Y., joint class rates to apply in either direction on freight traffic, except Coal and Coke, subject to the jurisdiction of this Commission, between New York state stations on The Delaware and Hudson Company's railroad and New York, N. Y., Brooklyn Eastern District Terminal, Jay Street Terminal, and Bush Docks Terminal, Brooklyn, N. Y., such class rates to be in no instance higher than the rates which now obtain by combination of local rates to and from Troy, N. Y., and to be governed, except as otherwise provided in the tariff, by the official classification, The Delaware and Hudson Company's P. S. C., 2 N. Y., No. 1812, supplements thereto and superseding issues thereof, and by exceptions to said classification P. S. C., 2 N. Y., No. 1890, supplements thereto and superseding issues thereof; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2140, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1183, of date September 15, 1909."

Completed by P. S. C. No. 2140, effective September 23, 1909.

No. 1184; September 15, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to cancel its local proportional freight tariff P. S. C., 2 N. Y., No. 2135, and to reissue the rate contained therein on Hollow Building Tile, carloads, minimum weight as provided in The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 1559, supplements thereto and superseding issues thereof, as shown therein under weight group number one, from Troy, N. Y., on shipments originating on tracks of New York Central and Hudson River railroad to Lake Placid, N. Y., Saranac Lake, N. Y., and Ray Brook, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2143, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 26, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1184, of date September 15, 1909."

Completed by P. S. C. No. 2143, effective September 18, 1909.

No. 1185; September 17, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on carload freight a switching charge of three dollars and fifty cents ($3.50) per car to apply on traffic between track connection with Cranberry Lake railroad and Little River railroad and private sidings on New York Central and Hudson River railroad located within station limits at Benson Mines, N. Y.; provided that a tariff naming said charge is filed with the Commission as P. S. C., 2 N. Y., No. 6867, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 28, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1)

day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1185, of date September 17, 1909."

Completed by P. S. C. No. 6867, effective September 22, 1909.

No. 1186; September 17, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish a classification of sixth class to apply on shipments of Cider Apples in bulk, in carloads, minimum weight twenty-four thousand (24,000) pounds, in either direction between all stations on Buffalo, Rochester and Pittsburgh railway within the State of New York; provided that a tariff naming said classification is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 453, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than September 30, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1186, of date September 17, 1909."

Completed by supplement No. 1 to P. S. C. No. 453, effective September 23, 1909.

No. 1187; September 20, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per ton of two thousand (2000) pounds on Brick, Common, in carloads, minimum weight fifty thousand (50,000) pounds, from Sage, N. Y., to Greenport, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 250, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1187, of date September 20, 1909."

Completed by P. S. C. No. 250, effective September 24, 1909.

No. 1188; September 20, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company, lines Buffalo, Salamanca, and west thereof, be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. A–226, by supplement issue, changing the effective date thereof with respect to traffic moving between points wholly within New York state, changing the tariff to read October 15, 1909; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. A–226, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 25, 1909. Such tariff shall be so filed and posted within four (4) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1188, of date September 20, 1909."

Completed by supplement No. 1 to P. S. C. No. A–226, effective September 25, 1909.

No. 1189; September 20, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of thirty-five (35) cents per net ton on Ice in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1250, supplements thereto and superseding issues thereof, and exceptions to said classification P. S. C., 2 N. Y., No. D–1125, supplements thereto and superseding issues thereof, from Newark Valley, N. Y., to Richford, N. Y.;

provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to tariff P. S. C., 2 N. Y., No. D–1349, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1189, of date September 20, 1909."

Completed by supplement No. 3 to P. S. C. No. D–1349, effective September 29, 1909.

No. 1190; September 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand (2000) pounds on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of the car is less, in which case the marked capacity of the car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Penn Yan, N. Y., to Geneva, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6893, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1190, of date September 20, 1909."

Completed by P. S. C. No. 6893, effective September 23, 1909.

No. 1191; September 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Central New England Railway Company, rate of one (1) dollar per ton of two thousand (2000) pounds on Moulding Sand, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand (40,000) pounds, from New Hamburgh, N. Y., to Matteawan, N. Y., via Fishkill Landing, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6892, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1191, of date September 20, 1909."

Completed by P. S. C. No. 6892, effective September 23, 1909.

No. 1192; September 20, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of seventy (70) cents per ton of two thousand (2000) pounds on Slate Refuse in carloads, minimum weight forty thousand (40,000) pounds, from Whitehall, N. Y., to Troy, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2147, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1192, of date September 20, 1909."

Completed by P. S. C. No. 2147, effective September 23, 1909.

No. 1193; September 20, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish rate of forty (40) cents per ton of two thousand (2000) pounds on Lime in casks, in carloads, minimum weight sixty thousand (60,000) pounds, from Smith's Basin, N. Y., to Troy, N. Y., when for re-shipment beyond by water transportation lines with which no through rates are in effect; provided that a tariff naming said rate is filed with the Commission as supplement No. 19 to tariff P. S. C., 2 N. Y., No. 1559, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 1, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1193, of date September 20, 1909."

Completed by supplement No. 19 to P. S. C. No. 1559, effective September 23, 1909.

No. 1194; September 20, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railroad Company be and is hereby authorized to correct its passenger tariff P. S. C., 2 N. Y., No. 117, removing therefrom the letter "A" shown opposite the fares applying to the sale of forty-six-trip monthly school tickets between New York, N. Y., and Bushwick Junction, N. Y., Glendale, N. Y., and Richmond Hill, N. Y., as shown on page 6 of the tariff; also to establish fares applying to the sale of forty-six-trip monthly school tickets between New York, N. Y., and Malba, N. Y., $5.35; between New York, N. Y., and Plandome, N. Y., $6.40; between Long Island City, N. Y., and Malba, N. Y., $4.45; between Long Island City and Plandome, N. Y., $5.50; provided that a tariff naming said correction and said fares is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 117, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be October 1, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1194, of date September 20, 1909."

Completed by supplement No. 1 to P. S. C. No. 117, effective October 1, 1909.

No. 1195; September 20, 1909; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to establish rate of seventy (70) cents per ton of two thousand (2000) pounds on Ice, carloads, minimum weight fifty thousand (50,000) pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the carload minimum weight be less than forty thousand (40,000) pounds, from Madrid, N. Y., to Champlain, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 14 to tariff P. S. C., 2 N. Y., No. 90, in lieu of supplement No. 13 rejected by the Commission, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be October 1, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1195, of date September 20, 1909."

Completed by supplement No. 14 to P. S. C. No. 90, effective October 1, 1909.

No. 1196; September 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifteen (15) dollars each on Locomotives on own wheels, dead or under steam, between Tupper Lake Junction, N. Y., and Horseshoe, N. Y., and when labor, supplies, or

fuel are furnished by the company the charge therefor shall be: labor, payroll plus 10 per cent; supplies, stock price plus 15 per cent; fuel, designated price to include freight and handling charge; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6907, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1196, of date September 21, 1909."

Completed by P. S. C. No. 6907, effective September 23, 1909.

No. 1197; September 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That the The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Boston and Albany and the West Shore railroads (The New York Central and Hudson River Railroad Company, lessee), rate of ten (10) cents per one hundred (100) pounds on Cider Apples, in bulk, Apple Waste, Apple Chops, Apple Cores, and Apple Skins, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. O. C. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from New York state stations: Chappaqua, Mount Kisco, Bedford, Katonah, Golden Bridge, Somers Center, Lake Mahopac, Purdys, Croton Falls, Brewster, Dykemans, Towners, Patterson, Pawling, Wingdale, Dover Furnace, Dover Plains, Wassaic, Amenia, Sharon, Colemans, Millerton, Mount Riga, Boston Corners, Copake Iron Works, Hillsdale, Craryville, Martindale, Philmont, and Ghent to Ravena, N. Y., via Chatham, N. Y., and Albany, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6910, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1197, of date September 21, 1909."

Completed by P. S. C. No. 6910, effective September 27, 1909.

No. 1198; September 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and twenty cents ($1.20) per ton of two thousand (2000) pounds on Ice, carloads, minimum weight of fifty thousand (50,000) pounds unless marked capacity of car is less, in which case the marked capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand (40,000) pounds, from Oneida, N. Y., to Amsterdam, N. Y.; provided that a tariff naming said rate is filed with the Comimssion as P. S. C., 2 N. Y., No. 6908, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 2, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1198, of date September 21, 1909."

Completed by P. S. C. No. 6908, effective September 25, 1909.

No. 1199; September 22, 1909; The New York, Chicago and St. Louis Railroad Company:

Ordered: That The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to amend its freight tariff of exceptions to the

official classification, changing the regulation shown therein on page two (2) of supplement No. 6, item 31–B, which reads: "Grapes, less carload shipments, in baskets without wooden covers or slats, will not be accepted unless in crates," and establishing in lieu thereof the following regulation: "Grapes, less carload shipments, in quantities of less than ten thousand pounds, in baskets without wooden covers or slats, will not be accepted unless in crates"; provided that a tariff naming said change is filed with the Commission as supplement No. 7 to tariff P. S. C., 2 N. Y., No. 186, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than October 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1199, of date September 22, 1909."

Completed by supplement No. 7 to P. S. C. No. 186, effective September 30, 1909.

No. 1200; September 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Pumpkins, in carloads, minimums weight as per official classification P. S. C., 2 N. Y., No. O. C. 34 (issued by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, the rates in cents per one hundred (100) pounds, from the following New York state stations to Rome, N. Y.: Adams, Pierrepont Manor, and Mannsville, 7½; Lacona, Richland, Altmar, Kasaag, 7; Williamstown, 6½; Westdale, 6; Camden, 5½; McConnellsville and Blossvale, 5; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6917, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than October 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1200, of date September 22, 1909."

Completed by P. S. C. No. 6917, effective October 1, 1909.

No. 1201; September 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 6719, containing class rates applying between stations on Hudson, Mohawk, Western, Rochester, and Buffalo divisions, stations on Harlem division (Mount Vernon, N. Y., and south), and stations on Putnam division (Nepperhan, N. Y., and south); also stations on Bush Terminal railroad, and stations on Adirondack division, adding thereto 42nd Street, N. Y., as a new station to take the same rates as are provided in the tariff to apply to and from 33rd Street station, New York, N. Y., for the handling of inbound freight in any quantity, and outbound freight in carloads; provided that a tariff naming said addition is filed with the Commission as supplement No 1 to tariff P. S. C., 2 N. Y., No. 6719, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be October 18, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1201, of date September 22, 1909."

Completed by supplement No. 1 to P. S. C. No. 6719, effective October 18, 1909.

No. 1202; September 22, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to

establish, in connection with The Ulster and Delaware Railroad Company, rate of one dollar and seventy cents ($1.70) per ton of two thousand (2000) pounds on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand (40,000) pounds, from West Nyack, N. Y., to Fleischmanns, N. Y., via Kingston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1784, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 3, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1202, of date September 22, 1909."

Completed by P. S. C. No. 1784, effective September 27, 1909.

No. 1203; September 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 6763, issued in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), and correct typographical errors shown therein on page 8, changing the word "to" to read "from," and the word "from" to read "to," as shown thereon across the top of page, and applying in connection with side-line and head-line stations; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 6763, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be October 7, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1203, of date September 22, 1909."

Completed by supplement No. 1 to P. S. C. No. 6763, effective October 7, 1909.

No. 1204; September 23, 1909; Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That the Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, receiver) be and hereby is authorized to establish fares applying to the sale of twenty-six-trip school tickets between stations local to the Pittsburg, Shawmut and Northern railroad, at the rates in cents on basis of mileage distance, as follows: 15 miles and less, 130; over 15 miles and not more than 20 miles, 260; over 20 miles and not more than 25 miles, 300; over 25 miles and not more than 30 miles, 340; and over 30 miles and not more than 35 miles, 380; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. P–153, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than October 6, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1204, of date September 23, 1909."

Completed by P. S. C. No. P–153, effective October 2, 1909.

No. 1205; September 24, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of six (6) cents per one hundred pounds on Lumber, carloads, minimum weight forty thousand pounds, from Cornwall, N. Y., to Whiteport, N. Y., Binnewater, N. Y., Rosendale, N. Y., New Paltz, N. Y., Forest Glen, N. Y., Gardiner, N. Y., and Wallkill, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1785, and posted at stations at least one (1) day prior to the effective date specified in

such tariff, which effective date shall be not later than October 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1205, of date September 24, 1909."

Completed by P. S. C. No. 1785, effective September 30, 1909.

No. 1206; September 24, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Boston and Maine Railroad, rate of one (1) dollar per ton of two thousand pounds on Cement, Unburnt, in packages, and Cement, Common, Hydraulic, Natural, and Portland, in carloads, minimum weight fifty thousand pounds, except when capacity of car is less, in which case the capacity of car will govern, but in no case will the minimum carload weight be less than forty thousand pounds, from Glens Falls, N. Y., to Reynolds, N. Y., via Mechanicville, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 1935, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1206, of date September 24, 1909."

Completed by supplement No. 1 to P. S. C. No. 1935, effective September 28, 1909.

No. 1207; September 24, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish at Albany, N. Y., a switching charge of sixty (60) cents per ton of two thousand pounds on freight in carloads, minimum weight thirty thousand pounds, to apply in either direction between Livingston Avenue station and Island Park switch on shipments received from or destined to connecting railroads; provided that a tariff naming said switching charge is filed with the Commission as P. S. C., 2 N. Y., No. 2156, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1207, of date September 24, 1909."

Completed by P. S. C. No. 2156, effective September 28, 1909.

No. 1208; September 24, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 442, applying to the shipment of Crushed Stone, Trap Rock, Mine Rock, or Broken Stone, in carloads, and provide therein a rate of twenty (20) cents per ton of two thousand pounds from Syracuse (Rock Cut Switch), N. Y., to Syracuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 8 to tariff P. S. C., 2 N. Y., No. 442, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1208, of date September 24, 1909."

Completed by supplement No. 8 to P. S. C. No. 442, effective September 28, 1909.

No. 1209; September 27, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of one dollar and fifteen cents ($1.15) per ton of two thousand (2000) pounds on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand pounds, from Little Falls, N. Y., to Watertown, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1440, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1209, of date September 27, 1909."

Completed by supplement No. 1 to P. S. C. No. 1440, effective October 3, 1909.

No. 1210; September 27, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Cabbage, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (filed by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, to Phelps, N. Y., the rates in cents per one hundred pounds, from New York state stations as follows: Phœnix and Brewerton, 8½; Clay, Woodard, and Liverpool, 8; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 6939, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1210, of date September 27, 1909."

Completed by P. S. C. No. 6939, effective October 2, 1909.

No. 1211; September 27, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of one (1) dollar per ton of two thousand pounds on Sand, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (filed by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Sylvan Beach, N. Y., to Seneca Falls, N. Y., via Oneida, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1497, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1211, of date September 27, 1909."

Completed by P. S. C. No. 1497, effective September 30, 1909.

No. 1212; September 27, 1909; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to establish on Crushed Stone in carloads, weight not to exceed eighty thousand pounds, and in no case to be less than sixty thou-

sand pounds, the rates in cents per ton of two thousand pounds, as follows: From Salisbury Center, N. Y., to Dolgeville, N. Y., 20; to Inghams, N. Y., and Little Falls, N. Y., 25; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 127, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1212, of date September 27, 1909."

Completed by P. S. C. No. 127, effective September 30, 1909.

No. 1213; September 27, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 6619, containing rate of seventeen cents per one hundred pounds applying to the shipment of Lumber in carloads from Buffalo, N. Y., to Fulton Chain, N. Y., said cancellation notice to contain reference for future rates to The New York Central and Hudson River Railroad Company's freight tariff P. S. C., 2 N. Y., No. 6719, which tariff is effective October 1, 1909, and publishes a sixth-class rate of fourteen (14) cents per one hundred pounds; provided that a tariff naming said cancellation is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 6619, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be close of business September 30, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1213, of date September 27, 1909."

Completed by supplement No. 1 to P. S. C. No. 6619, effective October 1, 1909.

No. 1214; September 27, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish a one-way excursion fare of five (5) cents applying to the sale of tickets in either direction between Albany, N. Y., and Island Park, N. Y., also round-trip fare of ten (10) cents between the same points, said tickets to be sold during the period October 3, 1909, to October 9, 1909, inclusive, good for return on date of sale or any date thereafter to and including October 9, 1909; provided that a tariff naming said fares is filed with the Commission and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 3, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1214, of date September 27, 1909."

Completed by P. S. C. No. 419, effective October 3, 1909.

No. 1215; September 29, 1909; Dunkirk, Allegheny Valley and Pittsburgh Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the Dunkirk, Allegheny Valley and Pittsburgh railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish local fares to and from Lily Dale, N. Y., and other of its local stations in New York state; also jointly in connection with The Jamestown Street Railway Company, fares from Lily Dale, N. Y., to Jamestown, N. Y.; said fares to be the same as shown in passenger tariff P. S. C., 2 N. Y., No. 5, and temporarily in effect by supplement No. 2 to said tariff; provided that a tariff naming said fares is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 5, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which

effective date shall be October 1, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1215, of date September 29, 1909."

Completed by supplement No. 3 to P. S. C. No. 5, effective October 1, 1909.

No. 1216; September 29, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Little Falls and Dolgeville Railroad Company, rate of one dollar and sixty cents ($1.60) per ton of two thousand pounds on Building Blocks, Concrete, Cement, or Plaster, in carloads, minimum weight forty thousand pounds, from Syracuse, N. Y., to Inghams, N. Y., via Little Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6956, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1216, of date September 29, 1909."

Completed by P. S. C. No. 6956, effective October 2, 1909.

No. 1217; September 29, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum carload weight be less than forty thousand pounds, from Pratts, N. Y., to Morrisville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1499, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1217, of date September 29, 1909."

Completed by P. S. C. No. 1499, effective October 2, 1909.

No. 1218; September 29, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of sixty-five (65) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the minimum carload weight be less than forty thousand pounds, from Mount Upton, N. Y., to Edmeston, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1498, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 10, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1218, of date September 29, 1909."

Completed by P. S. C. No. 1498, effective October 2, 1909.

No. 1219; September 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty (40) cents per

ton of two thousand pounds on Rough Stone, carloads, minimum weight to be 90 per cent of marked capacity of car, but not less than forty thousand pounds, from Gouverneur, N. Y., to Oswego, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6972, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 11, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1219, of date September 30, 1909."

Completed by P. S. C. No. 6972, effective Oct. 4, 1909.

No. 1220; September 30, 1909; International Railway Company: not used; tariff not filed within time limit.

No. 1221; September 30, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to correct its freight tariff P. S. C., 2 N. Y., No. 2141, issued jointly in connection with the Cooperstown and Charlotte Valley Railroad Company, filed September 16, 1909, and to be in effect October 17, 1909, and correct item 9 on page 5 therein to read: "Stock, Glue, less than carloads, from Albany, N. Y., (when coming from Copake Iron Works, N. Y., Chatham, N. Y., Millerton, N. Y., Niverville, N. Y., and South Dover, N. Y., via B. & A. R. R.) to Cooperstown, N. Y., thirteen (13) cents per one hundred pounds"; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 2141, and posted at stations at least ten (10) days prior to the effective date specified in such tariff, which effective date shall be October 17, 1909. Such tariff shall bear the following notation: "Issued on ten (10) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1221, of date September 30, 1909."

Completed by supplement No. 1 to P. S. C. No. 2141, effective October 17, 1909.

No. 1222; October 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with The Delaware and Hudson Company, rate of sixteen (16) cents per one hundred pounds on Marble, Rough Quarried, Sawed, Hammered, Chiseled, or Dressed (not polished), carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (filed by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Gouverneur, N. Y., to Cobleskill, N. Y., via Schenectady, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6987, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1222, of date October 1, 1909."

Completed by P. S. C. No. 6987, effective October 5, 1909.

No. 1223; October 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seventy-five (75) cents per ton of two thousand two hundred forty pounds on Iron Ore in carloads, minimum weight marked capacity of car, but not less than twenty tons of two thousand two hundred forty pounds each, from Ontario, N. Y., and Lakeside,

N. Y., to Buffalo (Carroll Street, Ohio Street, and Erie Street), N. Y.; East Buffalo, N. Y., Black Rock, N. Y., and North Tonawanda, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6986, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 12, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1223, of date October 1, 1909."

Completed by P. S. C. No. 6986, effective October 5, 1909.

No. 1224; October 1, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with the Central New England Railway Company, rate of eighty (80) cents per ton of two thousand pounds on Ice, carloads, minimum weight forty thousand pounds, from Monroe, N. Y., to East Walden, N. Y., via Campbell Hall, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1480, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 12, 1909. Such tariff shall be so filed and posted within ten (10) days from this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1224, of date October 1, 1909."

Completed by P. S. C. No. 1480, effective October 6, 1909.

No. 1225; Oct. 2, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company, in connection with the Buffalo, Rochester and Pittsburgh Railway Company and Silver Lake Railway Company, be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 905, and establish rate of one (1) dollar per net ton on Cement, carloads, from Wayland, N. Y., to New York state stations: Pavilion Center, Pavilion, Pearl Creek, Wyoming, Saltvale, Warsaw, Rock Glen, Silver Lake Junction, and Silver Springs; provided that a tariff naming said corrections is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 905, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be October 23, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1225, of date October 2, 1909."

Completed by supplement No. 1 to P. S. C. No. 905, effective October 23, 1909.

No. 1226; October 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one dollar and twenty-five cents ($1.25) per cord on Cord and Slab Wood, in carloads, minimum ten cords per car, from Glenfield, N. Y., to Carthage, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 6989, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1226, of date October 4, 1909."

Completed by P. S. C. No. 6989, effective October 8, 1909.

No. 1227; October 4, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to amend its joint freight tariff P. S. C., 2 N. Y., No. 1789, and correct page three under list of participating carriers, adding in connection with the New York, Ontario and Western Railway Company concurrence form F3 No. 54; provided that a tariff naming said addition is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1789, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be October 29, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1227, of date October 4, 1909."

Completed by supplement No. 1 to P. S. C. No. 1789, effective October 29, 1909.

No. 1228; October 4, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish, in connection with the Silver Lake Railway Company, rate of seventy-five (75) cents per ton of two thousand pounds on Ice, carloads, minimum carload weight forty thousand pounds, from Perry, N. Y., to Caledonia, N. Y., Lakeville, N. Y., and Rochester, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1475, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than October 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1228, of date October 4, 1909."

Completed by P. S. C. No. 1475, effective October 9, 1909.

No. 1229; October 4, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of five (5) cents per one hundred pounds on Apples, to be evaporated and re-shipped, in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1250, supplements thereto and superseding issues thereof, from New York state stations Willow Creek, Taughannock Falls, Trumansburg, Covert, Interlaken, Van Liews, Sheldrake, Hayts Corners, Ovid, Willard, Romulus, and MacDougall to Mendon, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. D–1368, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 15, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1229, of date October 4, 1909."

Completed by supplement No. 1 to P. S. C. No. D–1368, effective October 9, 1909.

No. 1230; October 4, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to establish rate of six (6) dollars per car on Logs, Hard and Soft Wood, carloads, from Derrick, N. Y., to Santa Clara, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least two (2) days prior to the effective date specified in such tariff, which effective date shall be not later than October 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1230, of date October 4, 1909."

Completed by P. S. C. No. 144, effective October 15, 1909.

No. 1231; October 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its freight tariff P. S. C., 2 N. Y., No. 6801, issued to take effect October 18, 1909, and to reissue the rates contained therein applying to the shipment of Cash Register Paper in less than carloads from Camden, N. Y., making no change therein other than to eliminate Rochester (State Street), N. Y., and substitute in place thereof Rochester (Kent Street and Portland Avenue), N. Y.; provided that a tariff naming said change is filed with the Commission as P. S. C., 2 N. Y., No. 6999, and posted at stations at least five (5) days prior to the effective date specified in such tariff, which effective date shall be October 18, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1231, of date October 5, 1909."

Completed by P. S. C. No. 6999, effective October 18, 1909.

No. 1232; October 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its local freight tariff P. S. C., 2 N. Y., No. 6966, issued to take effect November 1, 1909, and to reissue the rates contained therein showing handling charges at Port Morris, N. Y., making no change therein other than to correct the charge for Cement, Lime, and Barrel Freight to read one and one-half (1½) cents per barrel instead of per ton of two thousand pounds; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 6993, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be November 1, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1232, of date October 5, 1909."

Completed by P. S. C. No. 6993, effective November 1, 1909.

No. 1233; October 5, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That The West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of eight and one-half (8½) cents per one hundred pounds on Cabbage, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (filed by F. S. Holbrook, agent), supplements thereto or superseding issues thereof, from Oakfield, N. Y., and Alabama, N. Y., to Phelps, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1813, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1233, of date October 5, 1909."

Completed by P. S. C. No. 1813, effective October 9, 1909.

No. 1234; October 5, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of thirty-five (35) cents per ton of two thousand pounds on Crushed Stone, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand pounds, from Manlius, N. Y., to East Syra-

cuse, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1811, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 16, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1234, of date October 5, 1909."

Completed by P. S. C. No. 1811, effective October 8, 1909.

No. 1235; October 5, 1909; International Railway Company:

Ordered: That the International Railway Company be and is hereby authorized to establish rate of one (1) dollar per ton of two thousand pounds on Sugar Beets, carloads, minimum weight twenty-four thousand pounds, from Wrights, N. Y., to North Tonawanda, N. Y., and stations intermediate thereto, all points of destination to be specified in tariff; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 23, and posted at stations at least two (2) days prior to the effective date specified in such tariff, which effective date shall be not later than October 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1235, of date October 5, 1909."

Completed by P. S. C. No. 23, effective October 12, 1909.

No. 1236; October 6, 1909; The Long Island Railroad Company:

Ordered: That The Long Island Railway Company be and is hereby authorized to cancel its freight tariff P. S. C., 2 N. Y., No. 237, by a supplement issue giving reference therein for future rates to tariff P. S. C., 2 N. Y., No. 252; provided that a tariff naming said cancellation is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 237, and posted at stations at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be November 1, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1236, of date October 6, 1909."

Completed by supplement No. 1 to P. S. C. No. 237, effective November 1, 1909.

No. 1237; October 7, 1909; Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That the Pittsburg, Shawmut and Northern railroad (Frank Sullivan Smith, receiver) be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. P–90, changing the fares applying to the sale of one-way tickets to read as follows: From Bolivar, N. Y., to Ceres, N. Y., 24 cents; Little Genesee, N. Y., to Ceres, N. Y., 15 cents; Little Genesee, N. Y., to Prosser, N. Y., 18 cents; Ceres, N. Y., to Sanford, N. Y., 9 cents; provided that a tariff naming said changes is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. P–90, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than October 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1237, of date October 7, 1909."

Completed by supplement No. 2 to P. S. C. No. P–90, effective October 18, 1909.

No. 1238; October 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel the special round-trip fares

applying to the sale of tickets from stations Buffalo, N. Y., to Suspension Bridge, N. Y., inclusive, to Fort Niagara Beach, N. Y., and return, via Lewiston, N. Y., and Niagara Gorge railroad, as contained in its tariff P. S. C., 2 N. Y., No. 416; provided that a tariff naming said cancellation is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 416, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 17, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1238, of date October 6, 1909."

Completed by supplement No. 1 to P. S. C. No. 416, effective October 9, 1909.

No. 1239; October 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighty (80) cents per ton of two thousand pounds on Sand, carloads, minimum weight to be marked capacity of car, but not less than forty thousand pounds, from Felts Mills, N. Y., to Ogdensburg, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 4282, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1239, of date October 9, 1909."

Completed by supplement No. 5 to P. S. C. No. 4282, effective October 15, 1909.

No. 1240; October 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Little Falls and Dolgeville Railroad Company, on Lumber, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, rate of one dollar and forty cents ($1.40) per ton of two thousand pounds, from Schenectady, N. Y., to Inghams, N. Y., via Little Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7003, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1240, of date October 9, 1909."

Completed by P. S. C. No. 7003, effective October 14, 1909.

No. 1241; October 9, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Raquette Lake Railway Company, on Lumber and Forest Products, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, the rates in cents per one hundred pounds, from Eagle Bay, N. Y., on Raquette Lake railway, and New York state stations on Adirondack division of the New York Central and Hudson River railroad, to Rome, N. Y., as follows:

Beaver River, 8; Big Moose, 8; Bryants Siding, 9; Chasm Falls, 9; Childwold, 8; Clearwater, 8; Eagle Bay, 10; Floodwood, 8; Fulton Chain, 8; Gabriels, 9; Horseshoe, 8; Keepawa, 8; Lake Clear Junction, 8; Lake Kushaqua, 9; Long Lake West, 8; Loon Lake, 9; Lotus Siding, 8; Malone, 9; Minnehaha, 8; Moulin, 8; Mountain View, 9; Nehasane, 8; Onchiota, 9; Onekio, 8; Owl's Head, 9; Piercefield, 8; Pleasant Lake, 8; Plumadore, 9; Rainbow, 9; Robinwood, 8; Saranac Inn, 8; Saranac Lake, 8; Tekene, 9; Tupper Lake Junction, 8; Underwood Siding, 8; Whippleville, 9; Woods, 8; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 6750, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 20, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No 1241, of date October 9, 1909."

Completed by supplement No. 2 to P. S. C. No. 6750, effective October 14, 1909.

No. 1242; October 9, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish local and proportional fares of thirty-four (34) cents per capita, Greenwich, N. Y., to Johnsonville, N. Y., and twenty-five (25) cents per capita, Greenwich, N. Y., to Salem Junction, N. Y., same fares to apply in opposite directions, for parties of ten or more traveling on one ticket, no stop-over to be allowed; baggage rules as shown in Greenwich and Johnsonville Railway Company's P. S. C., 2 N. Y., No. 10, and excess baggage rates as shown in Greenwich and Johnsonville Railway Company's P. S. C., 2 N. Y., No. 7, to govern; provided that a tariff naming said fares is filed with the Commission as P. S. C., 2 N. Y., No. 29, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 15, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1242, of date October 9, 1909."

Completed by P. S. C. No. 29, effective October 15, 1909.

No. 1243; October 11, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Buffalo, Rochester and Pittsburgh Railway Company, rate of sixty (60) cents per ton of two thousand pounds on Sand, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand pounds, from Fishers, N. Y., to Genesee Dock, N. Y., via Rochester, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7013, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1243, of date October 11, 1909."

Completed by P. S. C. No. 7013, effective October 14, 1909.

No. 1244; October 11, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand pounds on Pumpkins, carloads, minimum carload weight thirty thousand pounds, from Westmoreland, N. Y., to Rome, N. Y.; provided that

a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1502, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 22, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1244, of date October 11, 1909."

Completed by P. S. C. No. 1502, effective October 15, 1909.

No. 1245; October 11, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of nine dollars and fifty cents ($9.50) per car on Logs, Hard and Soft Wood, carloads, minimum carload weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Derrick, N. Y., and Kildare, N. Y., to Fulton Chain, N. Y., via Tupper Lake Junction, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least two (2) days prior to the effective date specified in such tariff, which effective date shall be not later than October 23, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1245, of date October 11, 1909."

Completed by P. S. C. No. 145, effective October 18, 1909.

No. 1246; October 11, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend section seventeen of passenger tariff P. S. C., 2 N. Y., No. 457, changing final return limit of round-trip tickets Syracuse, N. Y., to New York, N. Y., account football game between Syracuse University and Carlisle Indians, October 16, 1909, from October 17, 1909, to October 24, 1909; no change to be made in per capita fare; provided that a tariff naming said change is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 457, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be October 15, 1909. Such tariff shall bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1246, of date October 11, 1909."

Completed by supplement No. 1 to P. S. C. No. 457, effective October 15, 1909.

No. 1247; October 12, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to establish switching rate of twenty (20) cents per ton of two thousand pounds on Crushed Stone, carloads, minimum weight fifty thousand pounds, from its junction with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) at Maplewood, N. Y., to Maplewood station, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 480, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 18, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1247, of date October 12, 1909."

Completed by P. S. C. No. 480, effective October 15, 1909.

No. 1248; October 13, 1909; Greenwich and Johnsonville Railway Company:

Ordered: That the Greenwich and Johnsonville Railway Company be and is hereby authorized to establish local and proportional rate in either direction between Greenwich, N. Y., and Johnsonville, N. Y., and Greenwich, N. Y., and Salem Junction, N. Y., on special baggage car, of fifteen (15) dollars for each one-way movement in regular train when required by a party of ten or more persons on solid ticket traveling in a regular car; such rate to be exclusive of the fares paid by the party; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 30, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 19, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1248, of date October 13, 1909."

Completed by P. S. C. No. 30, effective October 16, 1909.

No. 1249; October 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per ton of two thousand pounds on Crushed Stone and Gravel, carloads, minimum weight to be marked capacity of car, but not less than forty thousand pounds, from Horseshoe, N. Y., to Piercefield, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7020, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 20, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1249, of date October 14, 1909."

Completed by P. S. C. No. 7020, effective October 19, 1909.

No. 1250; October 14, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend tariff P. S. C., 2 N. Y., No. 1331, and add Marilla, N. Y., as a point of origin at the same basis of rates as are now shown in tariff applicable from Buffalo, N. Y.; provided that a tariff naming said amendment is filed with the Commission as supplement No. 1 to tariff P. S. C., 2 N. Y., No. 1331, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than October 27, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1250, of date October 14, 1909."

Completed by supplement No. 1 to P. S. C. No. 1331, effective October 19, 1909.

No. 1251; October 14, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 1332, applying upon Grain and Grain Products, carloads, from Erie stations to Erie stations as specified in tariff, and add thereto New York state stations: Griswold, Darien, Alden, Marilla, Town Line, Lancaster, Depew, and Cheektowaga as points of origin taking same rates as are now shown in tariff as applying from East Buffalo, N. Y., to all points of destination shown in tariff, except to destinations to which rates now applicable from such points of origin are the same or lower than rates now shown in tariff P. S. C., 2 N. Y., No. 1332, as applying from East Buffalo, N. Y.; provided that a tariff naming said rates is filed with the

Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 1332, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than October 27, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1251, of date October 14, 1909."

Completed by supplement No. 1 to P. S. C. No. 1332, effective October 19, 1909.

No. 1252; October 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of three and one-half (3½) cents per one hundred pounds on Sulphite Pulp, Wood Pulp, and Wood Pulp Screenings, carloads, minimum weight forty thousand pounds, from Lyons Falls, N. Y., to Great Bend, N. Y., Felts Mills, N. Y., and Black River, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7028, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than October 21, 1909. Such tariff shall be so filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1252, of date October 15, 1909."

Completed by P. S. C. No. 7028, effective October 19, 1909.

No. 1253; October 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eight and one-half (8½) cents per one hundred pounds on Tissue Paper, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Little Falls, N. Y., to Fulton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7040, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than October 22, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1253, of date October 16, 1909."

Completed by P. S. C. No. 7040, effective October 21, 1909.

No. 1254; October 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish the same rates to Brighton, N. Y., on Cider Apples in bulk, Apple Waste, Apple Chops, Apple Cores, and Apple Skins, carloads, minimum weights as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from stations on New York Central and Hudson River railroad named in tariff P. S. C., 2 N. Y., No. 4781, as are now shown in such tariff, to Rochester, N. Y., from said New York Central and Hudson River railroad stations; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 4781, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than October 27, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice

to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1254, of date October 16, 1909."

Completed by supplement No. 2 to P. S. C. No. 4781, effective October 27, 1909.

No. 1255; October 16, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish the same rates to Brighton, N. Y., on Cider Apples in bulk, Apple Waste, Apple Chops, Apple Cores and Apple Skins, carloads, minimum weights as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from stations on New York Central and Hudson River Railroad named in tariff P. S. C., 2 N. Y., No. 7011, as are now shown in such tariff, to Rochester, N. Y., from said New York Central and Hudson River railroad stations; provided that a tariff naming said rates is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 7011, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be November 12, 1909. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1255, of date October 16, 1909."

Completed by supplement No. 1 to P. S. C. No. 7011, effective Nov. 12, 1909.

No. 1256; October 16, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee) Cider Apples in bulk, Apple Waste, Apple Chops, Apple Cores, and Apple Skins, carloads:

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, the same rates to Brighton, N. Y., from stations on the West Shore railroad named in P. S. C., 2 N. Y., No. 1245, as are now shown in such tariff to Rochester, N. Y., from said West Shore railroad stations; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 1245, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than October 27, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1256, of date October 16, 1909."

Completed by supplement No. 2 to P. S. C. No. 1245, effective October 27, 1909.

No. 1257; October 18, 1909; The New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish, in connection with The Delaware, Lackawanna and Western Railroad Company, on Stone, Crushed, and Refuse Building Stone, undressed or in the rough, carloads, minimum weight 90 per cent of the marked capacity of car, except when cars are loaded to their visible capacity, in which case the actual weight will apply, with minimum of twenty tons of two thousand pounds each, to Richfield Springs, N. Y., rate of eighty-five (85) cents per ton of two thousand pounds from Oriskany Falls, N. Y., and rate of one (1) dollar per ton of two thousand pounds from Munns, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1503, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than October 24, 1909. Such tariff shall be so filed and posted within five days from the date of this order and bear the following notation: "Issued

on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1257, of date October 18, 1909."

Completed by P. S. C. No. 1503, effective October 21, 1909.

No. 1258; October 19, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Buffalo and Susquehanna Railway Company, rate of fifteen (15) cents per one hundred pounds on Tin Cans, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Fairport, N. Y., to Springville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7047, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than October 30, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1258, of date October 19, 1909."

Completed by P. S. C. No. 7047, effective October 23, 1909.

No. 1259; October 19, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to cancel tariff P. S. C., 2 N. Y., No. 1792, issued to take effect October 29, 1909, and to establish, in connection with The Lake Shore and Michigan Southern Railway Company and the Dunkirk, Allegheny Valley and Pittsburgh railroad (The New York Central and Hudson River Railroad Company, lessee), rate of nine (9) cents per one hundred pounds on Wheat, in carloads, minimum weight forty thousand pounds, from Clarence, N. Y., to Fredonia, N. Y., via East Buffalo, N. Y., and Dunkirk, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1831, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be October 29, 1909. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1259, of date October 19, 1909."

Completed by P. S. C. No. 1831, effective October 29, 1909.

No. 1260; October 19, 1909; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to establish rate of thirty-five (35) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds unless the marked capacity of car is less, in which case the marked capacity of car will govern, but in no case will the carload minimum be less than forty thousand pounds, from Chatham, N. Y., to Old Chatham, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 30, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than November 1, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1260, of date October 19, 1909."

Completed by supplement No. 4 to P. S. C. No. 30, effective October 26, 1909.

No. 1261; October 21, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eighty (80) cents per ton of

two thousand two hundred forty pounds, on Axles, old car; Borings (Iron or Steel); Rails, Old; Scrap (Iron or Steel); Turnings (Iron or Steel); Wheels, Old Car (Loose or attached to Axles), in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Martisco, N. Y., to Geneva, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 5479, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 1, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1261, of date October 21, 1909."

Complete by supplement No. 5 to P. S. C. No. 5479, effective October 28, 1909.

No. 1262; October 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend supplement No. 4 to tariff P. S. C., 2 N. Y., No. 5280, issued to take effect November 4, 1909, correcting the rate contained therein applying to the shipment of Soda and Soda Products as specified in tariff, in carloads, from Solvay, N. Y., and Syracuse, N. Y., to New York, N. Y., 42nd Street, to read eight and one-half (8½) cents per one hundred pounds instead of nine (9) cents per one hundred pounds; provided that a tariff naming said change is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 5280, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be November 4, 1909. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1262, of date October 22, 1909."

Complete by supplement No. 5 to P. S. C. No. 5280, effective November 4, 1909.

No. 1263; October 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of four (4) cents per one hundred pounds on Grain and Grain Products, carloads, as per list and minimum carload weights shown in exceptions to official classification P. S. C., 2 N. Y., No. 4753, supplements thereto and superseding issues thereof, from Appleton, N. Y., Ashwood, N. Y., Barker, N. Y., Brice, N. Y., Carlton, N. Y., Kendall, N. Y., Lyndonville, N. Y., Millers, N. Y., and Waterport, N Y., to Niagara Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 6613, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than November 2, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1263, of date October 22, 1909."

Completed by supplement No. 2 to P. S. C. No. 6613, effective October 30, 1909.

No. 1264; October 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of four (4) cents per one hundred pounds on Grain and Grain Products, carloads, as per list and

minimum weights shown in exceptions to official classification P. S. C., 2 N. Y., No. 4753, supplements thereto and superseding issues thereof, from and to New York state stations as follows: from Hamlin, Morton, Kendall, Brice, Carlton, Waterport, Ashwood, Lyndonville, to Charlotte; from Hilton, Walker, Hamlin, Morton, Kendall, Brice, Carlton, Waterport, Ashwood, Lyndonville, to Barnard, Rochester (Kent Street, Portland Avenue, Brighton Station, State Street, Brinker Place); from Waterport and Ashwood to Appleton; from Kendall, Brice, Carlton, Waterport, Ashwood, Lyndonville, to Burt and Coomer; from Kendall, Brice, Carlton, Waterport, Ashwood, Lyndonville, Millers, to Wilson and Model City; from Kendall, Brice, Carlton, Waterport, Ashwood, Lyndonville, Millers, Barker, to Randall, Ransomville, and Suspension Bridge; from Appleton to Suspension Bridge; provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 5270, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 2, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1264, of date October 22, 1909."

Complete by supplement No. 3 to P. S. C. No. 5270, effective October 29, 1909.

No. 1265; October 25, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish on Cider Apples in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, rates in cents per one hundred pounds, to Deansboro, N. Y., from various New York state stations as follows: from Earlville, Smyrna, Sherburne Four Corners, and Galena, 4; from Norwich, 5; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1508, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 5, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1265, of date October 25, 1909."

Complete by P. S. C. No. 1508, effective October 28, 1909.

No. 1266; October 25, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of six (6) cents per one hundred pounds on Cabbage, carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1250, supplements thereto and superseding issues thereof, to apply only on shipments to be manufactured and stored or re-shipped via Lehigh Valley railroad, from Cortland, N. Y., to Waterloo, N. Y.; also on apples in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1250, supplements thereto and superseding issues thereof, to apply only on shipments to be evaporated, packed, or stored and re-shipped via Lehigh Valley railroad, the rates in cents per one hundred pounds, to Rushville, N. Y., from New York state stations on Lehigh Valley railroad as shown by index numbers in its freight tariff P. S. C., 2 N. Y., No. D–925, supplements thereto or superseding issues thereof, as follows: from stations, index numbers 396, 404, 405, 406, 407, 408, and 409, 5; from stations, index numbers 397, 398, 401, 402, and 403, 6; from station, index number 414, 3; from stations, index numbers 399, 400, 410, 411, 412, and 413, 4; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. D–1368, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall

be not later than November 7, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1266, of date October 25, 1909."

Complete by supplement No. 2 to P. S. C. No. D–1368, effective October 30, 1909.

No. 1267; October 27, 1909; The Delaware and Hudson Company:

Ordered: First, that The Delaware and Hudson Company be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand pounds on Wood, Pulp, in carloads, minimum weight fifty thousand pounds when loaded in racked gondola cars, and thirty thousand pounds when loaded in coal or gondola cars not racked, excess in proportion, when in train loads of twenty cars or more from Whitehall, N. Y., to Fort Edward, N. Y., said rate to apply only on shipments received from water transportation lines on Lake Champlain; second, that this permission is granted upon the expressed understanding that no opinion as to the legality of the proposed rate or the regulation restricting its application to train loads of twenty cars is in any wise implied; provided that a tariff naming said rate is filed with the Commission as supplement No. 20 to P. S. C., 2 N. Y., No. 1559, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 7, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1267, of date October 27, 1909."

Completed by supplement No. 20 to P. S. C. No. 1559, effective October 30, 1909.

No. 1268; October 27, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, except when capacity of car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand pounds, from Melrose Junction, N. Y., to Colemans, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 6037, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 7, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1268, of date October 27, 1909."

Completed by supplement No. 3 to P. S. C. No. 6037, effective November 5, 1909.

No. 1269; October 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Hudson Navigation Company, rate of ten (10) cents per one hundred pounds on Buckwheat and Rye Flour in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Schoharie Junction, N. Y., to New York, N. Y. (local delivery), via Albany, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 1893, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 8, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice

to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1269, of date October 28, 1909."

Completed by supplement No. 4 to P. S. C. No. 1893, effective October 30, 1909.

No. 1270; October 28, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with the Manhattan Navigation Company, rate of ten (10) cents per one hundred pounds on Buckwheat and Rye Flour in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Schoharie Junction, N. Y., to Pier 54, North river, foot 13th street, New York, N. Y., via Albany, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 2168, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 8, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1270, of date October 28, 1909."

Completed by supplement No. 2 to P. S. C. No. 2168, effective October 30, 1909.

No. 1271; October 28, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 888, and reissue the rate of thirty-five (35) cents per ton of two thousand two hundred forty pounds contained therein applying on shipments of Anthracite Coal Screenings, carloads, governed except as otherwise provided in tariff by the official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and reissues thereof, and by exceptions to said classification P. S. C., 2 N. Y., No. 825, supplements thereto and reissues thereof, from Oswego, N. Y., to Syracuse, N. Y.; and also establish the same rate from Oswego, N. Y., to Minetto, N. Y., South Granby, N. Y., Lamson, N. Y., Baldwinsville, N. Y., Stiles, N. Y., Lakeside, N. Y., Solvay, N. Y., and Fulton, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 926, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 8, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1271, of date October 28, 1909."

Completed by P. S. C. No. 926, effective October 31, 1909.

No. 1272; October 28, 1909; Little Falls and Dolgeville Railroad Company:

Ordered: That the Little Falls and Dolgeville Railroad Company be and is hereby authorized to establish rate of three (3) cents per one hundred pounds on Lumber and Ties (Railroad Wood) in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Little Falls, N. Y., to Inghams, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 128, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 8, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1272, of date October 28, 1909."

Completed by P. S. C. No. 128, effective October 31, 1909.

No. 1273; October 29, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven (7) cents per one hundred pounds on Barley, Buckwheat, Corn, Rye, and Wheat, carloads, minimum weight as shown in exceptions to official classification P. S. C., 2 N. Y., No. 4753, and supplements thereto and reissues thereof, and governed except as otherwise provided in tariff by the official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and reissues thereof, from Auburn, N. Y., to Watertown, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 6616, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 9, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1273, of date October 29, 1909.

Completed by supplement No. 1 to P. S C. No. 6616, effective November 6, 1909.

No. 1274; October 29, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight fifty thousand pounds, except when capacity of car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand pounds, from Melrose Junction, N. Y., to Goldens Bridge, N. Y., rate of sixty-five (65) cents per ton of two thousand pounds, and to Dover Plains, N. Y., rate of eighty-five (85) cents per ton of two thousand pounds; provided that a tariff naming said rates is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 6037, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 9, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1274, of date October 29, 1909."

Completed by supplement No. 3 to P. S. C. No. 6037, effective November 5, 1909.

No. 1275; October 29, 1909; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to amend its local passenger tariff P. S. C., 2 N. Y., No. 1 (steam division), changing section fifteen, page ten, canceling the matter therein under headings "Rate, Special Baggage Cars," and "Special Service," and substituting therefor the following:

"*Rate, Special Baggage or Private Cars:* The minimum rate for the movement of a baggage car between Gloversville, Johnstown, and Fonda is ten dollars ($10) per car in either direction, by regular service. The minimum rate for the movement of a baggage car between Fonda and Gloversville, with a stop-over at Johnstown, in either direction, is fifteen dollars ($15) per car, by regular service. The minimum rate for the movement of a private car or coach between Fonda and Johnstown or Gloversville is fifteen dollars ($15) per car, in either direction, by regular service, which includes transportation of the occupants of the car or coach up to fifteen dollars ($15) figured at regular one-way tariff rate. This rate will allow stop-over at Johnstown in either direction, when the car or cars are en route either Fonda or Gloversville. *Rate, Special Service:* The charge for the movement of one baggage car by special service between Fonda and Johnstown or Gloversville, in either

direction, is twenty-five dollars ($25). This rate is exclusive of fares. Each additional baggage car ten dollars ($10). The charge for the special movement of one private car or coach is twenty-five dollars ($25), which includes transportation of the occupants of the car or coach up to twenty-five dollars ($25), figured at regular one-way tariff rate. Each additional car or coach fifteen dollars ($15), which includes transportation of the occupants of the car or coach up to fifteen dollars ($15). All passengers transported in car or coach over and above the twenty-five dollar ($25) or fifteen dollar ($15) charge, to pay regular fare. The charge for the special movement of one private car or coach and one baggage car is thirty-five dollars ($35), which includes transportation of the occupants of the car or coach up to twenty-five dollars ($25), figured at regular one-way tariff rate. Each additional baggage car ten dollars ($10)"; provided that a tariff naming said amendments is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 1, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than November 11, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1275, of date October 29, 1909.

Completed by supplement No. 5 to P. S. C. No. 1, effective November 2, 1909.

No. 1276; October 30, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty (50) cents per ton of two thousand pounds on Sugar Beets, carloads, minimum weight forty thousand pounds, from East Palmyra, N. Y., to Lyons, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7079, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 10, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1276, of date October 30, 1909."

Completed by P. S. C. No. 7079, effective November 3, 1909.

No. 1277; November 1, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand pounds on Rough Building Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand pounds, from Aqueduct, N. Y., to Niskayuna, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7088, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 12, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1277, of date November 1, 1909."

Completed by P. S. C. No. 7088, effective November 6, 1909.

No. 1278; November 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), rate of fifty (50) cents per ton of two thousand pounds on Crushed

Stone, carloads, minimum weight forty thousand pounds, from Akin, N. Y., and Amsterdam, N. Y., to South Amsterdam, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7094, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1278, of date November 3, 1909."

Completed by P. S. C. No. 7094, effective November 6, 1909.

No. 1279; November 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish for passengers traveling on specified limited trains between New York state points named herein, excess ticket fares; also rules and regulations to govern the sale of such tickets and transportation in parlor, sleeping, or compartment cars of passengers holding such tickets, as follows: When a passenger holds a through ticket good for passage on limited twenty-four hour train New York, N. Y., to St. Louis, Mo., and said ticket reads to a destination on the Lake Shore and Michigan Southern railway or the Cleveland, Cincinnati, Chicago and St. Louis railway, and desires to be accompanied for a portion of the journey by one or more passengers who will share the Pullman space purchased by through passenger for his own use, local tickets may be sold to accompanying passenger or passengers at the following fares in excess of regular fare: from New York, N. Y., to Albany, N. Y., two (2) dollars; to Syracuse, N. Y., or Rochester, N. Y., four (4) dollars. When a passenger traveling on train number twenty-six, Twentieth Century Limited, local tickets may be sold to accompanying passenger or passengers from Albany, N. Y., to New York, N. Y., at two (2) dollars in excess of regular fare. The sale of said tickets to be subject to conditions as follows: first, accompanying local passengers must be accommodated in the same Pullman space occupied by the through passenger; second, only such local passengers will be permitted to accompany a through passenger as can be accommodated in the Pullman space held by such through passenger: that is, a through passenger who has purchased a lower berth may be accompanied by one local passenger only; if the through passenger has purchased an entire section or compartment, he may be accompanied by not to exceed three local passengers; if he has purchased a drawing room, he may be accompanied by not to exceed four local passengers; provided that a tariff naming said excess fares and regulations is filed with the Commission as P. S. C., 2 N. Y., No. 462, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be November 7, 1909. Such tariff shall bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1279, of date November 3, 1909."

Completed by P. S. C. No. 462, effective November 7, 1909.

No. 1280; November 3, 1909; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to cancel the rate of fifty (50) cents per gross ton on Billets, carloads, from Buffalo, N. Y., East Buffalo, N. Y., and Black Rock, N. Y., to Lackawanna, N. Y., and establish, in connection with The South Buffalo Railway Company, on Billets, carloads, to Lackawanna, N. Y., the rates made by combination of effective local rates, as follows: from Buffalo, N. Y., and East Buffalo, N. Y., on the Delaware, Lackawanna and Western railroad to track connection with South Buffalo railway, $3.50 per car; from Black Rock, N. Y., on Delaware, Lackawanna and Western railroad to track connection with South Buffalo railway, $5 per car; plus

The South Buffalo Railway Company's local charge of fifteen (15) cents per gross ton from its track connection with the Delaware, Lackawanna and Western railroad to Lackawanna, N. Y.; provided that a tariff naming said rates is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 808, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1280, of date November 3, 1909."

Completed by supplement No. 2 to P. S. C. No. 808, effective November 6, 1909.

No. 1281; November 3, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of one dollar and ten cents ($1.10) per ton of two thousand pounds on Sand in carloads, minimum weight as per official classification P. S. C., 2 N. Y., No. D–1250, supplements thereto and reissues thereof, from Sylvan Beach, N. Y., to Rochester, N. Y., via Canastota, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. D–1431, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1281, of date November 3, 1909."

Completed by P. S. C. No. D–1431, effective November 6, 1909.

No. 1282; November 4, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company for itself and as lessee of the Boston and Albany railroad, rate of two dollars and forty-five cents ($2.45) per ton of two thousand pounds on Ice in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Central Bridge, N. Y., to Colemans, N. Y., via Albany, N. Y., and Chatham, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 2204, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 15, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1282, of date November 4, 1909."

Completed by P. S. C. No. 2204, effective November 6, 1909.

No. 1283; November 5, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven and one-half (7½) cents per one hundred pounds on Cabbage, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34, (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Martisco, N. Y., to Junius, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7103, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 16, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and

bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1283, of date November 5, 1909."

Completed by P. S. C. No. 7103, effective November 9, 1909.

No. 1284; November 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty (30) cents per ton of two thousand pounds on Cinders, carloads, minimum weight to be marked capacity of car, but not less than fifty thousand pounds, from Watertown, N. Y., to Dexter, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7101, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 17, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1284, of date November 6, 1909."

Completed by P. S. C. No. 7101, effective November 11, 1909.

No. 1285; November 6, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of forty (40) cents per ton of two thousand pounds on Talc, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Emeryville (including York siding), N. Y., to Gouverneur, N. Y.; the foregoing rate to include privilege of stopping cars at Hailesboro, N. Y., for grinding; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7113, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 17, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1285, of date November 6, 1909."

Completed by P. S. C. No. 7113, effective November 11, 1909.

No. 1286; November 10, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to cancel its supplement No. 3 to local and proportional freight tariff P. S. C., 2 N. Y., No. D–1227, and to reissue the rates contained therein applying to tariff subject to the jurisdiction of the Commission, making no change therein; provided that a tariff naming said rates is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. D–1227, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 21, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1286, of date November 10, 1909."

Completed by supplement No. 4 to P. S. C. No. D–1227, effective November 15, 1909.

No. 1287; November 11, 1909; The Rochester and Sodus Bay Railway Company:

Ordered: That The Rochester and Sodus Bay Railway Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 5, on page 6, under heading Interchangeable Coupon Ticket Books, and provide for the discontinuance of the sale of interchangeable coupon ticket books containing two

hundred forty coupons with a face value of five cents per coupon, and establish in lieu thereof the sale at price of ten (10) dollars each for interchangeable coupon ticket books containing twelve hundred coupons with a face value of one cent each with the provision that for passage conductors will detach a sufficient number of coupons at the face value one cent each to cover the regular one-way ticket fare between the points of travel. The tariff shall also provide for the continuing in force of the regulation now in effect as to the outstanding coupon ticket books containing two hundred forty coupons, and that the interchangeable coupon ticket books of either form will be honored for passage over the railroads of such other companies as are named on the covers of the respective books; provided that a tariff naming said rates of fare is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 5, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than November 24, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1287, of date November 11, 1909."

Completed by supplement No. 2 to P. S. C. No. 5, effective November 22, 1909.

No. 1288; November 11, 1909; Rochester and Eastern Rapid Railway Company:

Ordered: That The Rochester and Eastern Rapid Railway Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 7, on page 6, under heading Interchangeable Coupon Ticket Books, and provide for the discontinuance of the sale of interchangeable coupon ticket books containing two hundred forty coupons with a face value of five cents per coupon, and establish in lieu thereof the sale at price of ten (10) dollars each for interchangeable coupon ticket books containing twelve hundred coupons with a face value of one cent each with the provision that for passage conductors will detach a sufficient number of coupons at the face value one cent each to cover the regular one-way ticket fare between the points of travel. The tariff shall also provide for the continuing in force of the regulation now in effect as to the outstanding coupon ticket books containing two hundred forty coupons, and that the interchangeable coupon ticket books of either form will be honored for passage over the railroads of such other companies as are named on the covers of the respective books; provided that a tariff naming said rates of fare is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 7, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than November 24, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1288, of date November 11, 1909."

Completed by supplement No. 1 to P. S. C. No. 7, effective November 22, 1909.

No. 1289; November 12, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized, in connection with The New York Central and Hudson River Railroad Company, to amend its tariff P. S. C., 2 N. Y., No. 149, containing rates applying on Lumber and Forest Products in carloads, from specified stations on the New York and Ottawa railway to specified stations on the New York Central and Hudson River railroad, changing page 6, adding the letter "B" in rate letter column opposite station index No. 1, Solvay, N. Y., and erasing the letter "D" from the rate letter column opposite stations index No. 80, New York, N. Y., and index No. 81, Brooklyn, N. Y., and substituting therefor the letters "E" and "F"; the foregoing changes in effect correct clerical errors in tariff and continue in force

the rates which are now in effect and which through error were changed by tariff P. S. C. No. 149; provided that a tariff naming said corrections is filed with the Commission and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be December 6, 1909. Such tariff shall bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1289, of date November 12, 1909."

Completed by P. S. C. No. 152, effective December 6, 1909.

No. 1290; November 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar per ton of two thousand pounds on Sugar Beets, carloads, minimum weight forty thousand pounds, from Dunsbach Ferry, N. Y., and Hoffmans, N. Y., to Lyons, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7127, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 24, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1290, of date November 13, 1909."

Completed by P. S. C. No. 7127, effective November 18, 1909.

No. 1291; November 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Rutland Railroad Company, rate of eight (8) cents per one hundred pounds on Wrapping Paper, n. o. s., in bundles or crates, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Watertown, N. Y., to Malone, N. Y., and Chateaugay, N. Y., via Norwood, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7126, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 24, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1291, of date November 13, 1909."

Completed by P. S. C. No. 7126, effective Nov. 18, 1909.

No. 1292; November 13, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty-five (65) cents per ton of two thousand pounds on Ice, carloads, minimum fifty thousand pounds, except when capacity of car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand pounds, from Melrose Junction, N. Y., to Croton Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 6037, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 24, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1292, of date November 13, 1909."

Completed by supplement No. 4 to P. S. C. No. 6037, effective November 16, 1909.

No. 1293; November 15, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its local and joint passenger tariff P. S. C., 2 N. Y., No. 462, of extra fares required on certain trains as hereinafter specified: Erase from page seven, under heading "Extra Fares to Destinations on New York Central and Hudson River R. R.," the sixth item thereunder reading: "Ticket form 32-L; from New York, N. Y., to Albany, N. Y.; train 19; extra fare, $1;" provided that a tariff naming said amendment is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 462, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 26, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1293, of date November 15, 1909."

Completed by supplement No. 2 to P. S. C. No. 462, effective November 21, 1909.

No. 1294; November 15, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with the New York, Ontario and Western Railway Company, rate of eighty (80) cents per ton of two thousand pounds on Sand and Gravel, carloads, minimum weight marked capacity of car, but not less than forty thousand pounds, from Newburgh, N. Y., to Firthcliff, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1857, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 26, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1294, of date November 15, 1909."

Completed by P. S. C. No. 1857, effective November 19, 1909.

No. 1295; November 15, 1909; Boston and Maine Railroad:

Ordered: That the Boston and Maine Railroad be and is hereby authorized to establish rate of four (4) cents per one hundred pounds on Clay in casks or in bulk, carloads, minimum forty thousand pounds per car, f. o. b. cars Boston and Maine railroad tracks, from Troy, N. Y., to Mechanicville, N. Y., including delivery on West Virginia Pulp and Paper Company's private sidetrack; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 306, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 26, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1295, of date November 15, 1909."

Completed by P. S. C. No. 306, effective November 22, 1909.

No. 1296; November 17, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ten and one-half (10½) cents per one hundred pounds on Cabbage, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from New Haven, N. Y., to Albion, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7178, and posted at stations at least

one day prior to the effective date specified in such tariff, which effective date shall be not later than November 28, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1296, of date November 17, 1909."

Completed by P. S. C. No. 7178, effective November 22, 1909.

No. 1297; November 17, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee), in connection with the New York, Ontario and Western Railway Company, be and is hereby authorized to establish rate of one (1) dollar per ton of two thousand pounds on Brick, Common, carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Newburgh, N. Y., to Firthcliff, N. Y., via Cornwall, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1859, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 28, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1297, of date November 17, 1909."

Completed by P. S. C. No. 1859, effective November 22, 1909.

No. 1298; November 18, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Waste Paper and Paper Mill Sweepings in bales, in straight or mixed carloads, minimum weight twenty thousand pounds, subject to Rule 27 of official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, rates in cents per one hundred pounds, to Watertown, N. Y., from New York state stations as follows: Norwood, 8; Potsdam, 7½; Canton, 7; Gouverneur, 5½; Lyons Falls, 6½; Dexter, 3½; Port Leyden, 6½; Brownville, 3; Fulton, 8; Black River, 3½; Carthage, 4½; Great Bend, 4; Felts Mills, 3½; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7135, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 29, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1298, of date November 18, 1909."

Completed by P. S. C. No. 7135, effective November 25, 1909.

No. 1299; November 18, 1909; New York, Ontario and Western Railway Company:

Ordered: That the New York, Ontario and Western Railway Company be and is hereby authorized to establish rate of ninety (90) cents per ton of two thousand two hundred forty pounds on Scrap Iron in carloads, minimum weight as per official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and superseding issues thereof, from Earlville, N. Y., to Utica, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1522, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than November 29, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1299, of date November 18, 1909."

Completed by P. S. C. No. 1522, effective November 21, 1909.

No. 1300; November 22, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 136, list of freight stations, as follows: on page 2, under heading Alphabetical List of Freight Stations, letter "B," correct by adding No. 33½, Station Brandon, N. Y. & O. Ry., N. Y.; page 3, under heading Track Scales, eliminate the word "None" and substitute in place thereof Nyando, N. Y.; page 4, under heading United States, correct by adding No. 33½, Station Brandon, N. Y., with prefix characters star and dagger, miles from Ottawa, Ont., 105.9; miles from Tupper Lake, N. Y., 21.8; provided that a tariff naming said corrections is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 136, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 3, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1300, of date November 22, 1909."

Completed by supplement No. 1 to P. S. C. No. 136, effective December 2, 1909.

No. 1301; November 22, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of thirty-five (35) dollars per locomotive for locomotives not under steam and moved on own wheels, in either direction between Piercefield, N. Y., and Rome, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7142, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 3, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1301, of date November 22, 1909."

Completed by P. S. C. No. 7142, effective November 25, 1909.

No. 1302; November 22, 1909; The Pennsylvania Railroad Company:

Ordered: That The Pennsylvania Railroad Company be and is hereby authorized to establish on Cattle, Sheep, Calves, and Hogs, in straight or mixed carloads, the rates in cents per one hundred pounds, governed by official classification P. S. C., 2 N. Y., O. C. No. 34 (issued by F. S. Holbrook, agent), supplements thereto and reissues thereof; and by exceptions to said classification G. O., P. S. C., 2 N. Y., No. 150, supplements thereto and superseding issues thereof, hereinafter provided, applying in either direction between Buffalo, N. Y., and the following New York state points:

	Cattle in carloads	Calves, Sheep, or Hogs in carloads	Cattle, Calves, Sheep, or Hogs in mixed carloads.
Arcade	8½	8½	8½
Chaffee	8½	8½	8½
Delavan	8½	8½	8½
East Aurora	5	5	5
Franklinville	8½	8½	8½
Hinsdale	8½	8½	8½
Ischua	8½	8½	8½
Lime Lake	8½	8½	8½
Olean	8½	8½	8½
Portville	9	11	11
Protection	8½	8½	8½
Westons	8½	8½	8½
White House	9	11	11

provided that a tariff naming said rates is filed with the Commission as S. S., P. S. C., 2 N. Y., No. 585, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be December 5, 1909. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1302, of date November 22, 1909."

Completed by S. S., P. S. No. 585, effective December 5, 1909.

No. 1303; November 23, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of sixty-five (65) cents per ton of two thousand pounds on Ice, carloads, minimum weight fifty thousand pounds, except when capacity of car is less, in which case the actual capacity of car will govern, but in no case shall the minimum carload weight be less than forty thousand pounds, from Pawling, N. Y., to Carmel, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 6037, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 4, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1303, of date November 23, 1909."

Completed by supplement No. 5 to P. S. C. No. 6037, effective November 29, 1909.

No. 1304; November 23, 1909; The Niagara Gorge Railroad Company:

Ordered: That The Niagara Gorge Railroad Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 12, making the following change on page three: tariff now reads: "Individual card ticket, forty-six trips, good only for the use of persons between the ages of 5 and 21 years, and limited to Monday and Friday inclusive, of the month named on face of ticket"; change to read: "Good only for the use of persons between the ages of 5 and 21 years, and limited to Monday and Saturday inclusive, of the month named on face of ticket"; provided that a tariff naming said change is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 12, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be December 1, 1909. Such tariff shall bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1304, of date November 23, 1909."

Completed by supplement No. 1 to P. S. C. No. 12, effective December 1, 1909.

No. 1305; November 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of eight (8) cents per one hundred pounds on Barley, Buckwheat, Corn, Rye, and Wheat, carloads, minimum carload weights as shown in exceptions to official classification P. S. C., 2 N. Y., No 4753, and supplements thereto and reissues thereof, from Auburn, N. Y., to Ogdensburg, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 6616, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 5, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the

Public Service Commission, Second District, State of New York, No. 1305, of date November 24, 1909."

Completed by supplement No. 2 to P. S. C. No. 6616, effective December 2, 1909.

No. 1306; November 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of one (1) dollar for the special movement of train, including transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, as follows: On December 6, 1909, from Sterling, N. Y., to Oswego, N. Y.; on December 7, 1909, from Oswego, N. Y., to Rochester, N. Y.; on December 8, 1909, from Rochester, N. Y., to Suspension Bridge, N. Y., via R., W. & O. division; on December 9, 1909, from Suspension Bridge, N. Y., to Rochester, N. Y., via Falls road; on December 9, 1909, from Rochester, N. Y., to Batavia, N. Y., and Depew, N. Y.; on December 10, 1909, from Depew, N. Y., to Buffalo, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 6, 1909. Such tariff shall bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1306, of date November 24, 1909."

Completed by P. S. C. No. 470, effective December 6, 1909.

No. 1307; November 24, 1909; F. S. Holbrook, Agent:

Ordered: That F. S. Holbrook, agent, be and is hereby authorized to amend sections 4, 7, 9, 10, and 11 of rule 2, and to establish section 12 to said rule; also to change the classification of Shredded Whole Wheat Biscuit as shown in tariff P. S. C., 2 N. Y., O. C. No. 35, to read as does proposed rule and classification which accompanied the application and which is hereby made a part of this order; also that the provisions of this order will apply to all carriers which file official classification No. 35 and supplements thereto under their own P. S. C., 2 N. Y., serial number; provided that a tariff naming said changes is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., O. C. No. 35, and posted at stations at least fifteen days prior to the effective date specified in such tariff, which effective date shall be January 1, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on fifteen days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1307, of date November 24, 1909."

Complete by supplement No. 2 to P. S. C., O. C. No. 35, effective January 1, 1910.

No. 1308; November 30, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish rate of one (1) dollar for the special movement of train, including transportation of lecturers of the New York State College of Agriculture, Cornell University, and their staff, as follows: On December 6, 1909, East Ithaca, N. Y., to Sterling, N. Y., stopping at Freeville, N. Y., Groton, N. Y., Locke, N. Y., Moravia, N. Y., Auburn, N. Y., Weedsport, N. Y., Cairo, N. Y., and Ira, N. Y.; on December 10, 1909, Batavia, N. Y., to Ithaca, N. Y., stopping at Caledonia, N. Y., Rush, N. Y., Victor, N. Y., Mendon, N. Y., Manchester, N. Y., Clifton Springs, N. Y., Geneva, N. Y., Stanley, N. Y., Romulus, N. Y., Interlaken, N. Y., and Trumansburg, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 398, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than December 6, 1909. Such tariff shall bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1308, of date November 30, 1909."

Completed by P. S. C. No. 398, effective December 6, 1909.

No. 1309; December 1, 1909; The New York, Auburn and Lansing Railroad Company:

Ordered: That The New York, Auburn and Lansing Railroad Company be and is hereby authorized to put in effect local freight tariff containing rates applying to the shipment of Buttermilk, Cream, Milk, and Pot Cheese; also rules and regulations governing return shipment of empty cans, cases, bottles in cases, pot cheese barrels and tubs; also brushes, soap, or other creamery supplies, sour milk or sour cream, shipped in returning milk cars, from New York State stations: Whites, Woods Mill, Sills Crossing, South Lansing, Mapleton, Venice Center, North Lansing, Asbury, Kinslers, Myers, Tarbel, Esty, Merrifield, Genoa, Davis, and McKinney to Auburn, N. Y., and Ithaca, N. Y.; the rates so to be established to be those specified in application, and which rates are hereby made a part of this order; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 34, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 12, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1309, of date December 1, 1909."

Completed by P. S. C. No. 34, effective December 4, 1909.

No. 1310; December 1, 1909; Eastern New York Railroad Company, Frederick H. Beach, Receiver:

Ordered: That the Eastern New York Railroad Company be and is hereby authorized to cancel local freight tariff P. S. C., 2 N. Y., No. 2, and to reissue in a superseding tariff the rates contained therein making no change other than the following: On carloads of Pulp Wood, Lumber, Ties, Poles, Posts, and Cord Wood when loaded in cars of fifty thousand pounds capacity, between junction with The Delaware and Hudson Company's railroad at Ballston Spa, N. Y., and Moran-Chalfant Mill, Excelsior and Empire Mills, Rock City Falls, N. Y., rate of eight (8) dollars per car; between junction with The Delaware and Hudson Company's railroad at Ballston Spa, N. Y., and Middle Grove, N. Y., rate of nine (9) dollars per car; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 3, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be not later than December 16, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1310, of date December 1, 1909."

Completed by P. S. C. No. 3, effective December 10, 1909.

No. 1311; December 1, 1909; The Lehigh and Hudson River Railway Company:

Ordered: That The Lehigh and Hudson River Railway Company be and is hereby authorized to establish, in connection with the Erie Railroad Company, rate of fifty (50) cents per ton of two thousand pounds on Ice in carloads, minimum weight forty thousand pounds, from Burnside, N. Y., to Pine Island, N. Y., via Greycourt, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 65, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than December 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1311, of date December 1, 1909."

Completed by P. S. C. No. 65, effective December 7, 1909.

No. 1312; December 2, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of fifty-six (56) cents per ton of two thousand two hundred forty pounds on Limestone, carloads, minimum forty tons of two thousand two hundred forty pounds each, from Natural Bridge, N. Y., to Hinckley, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7202, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 13, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1312, of date December 2, 1909."

Completed by P. S. C. No. 7202, effective December 7, 1909.

No. 1313; December 2, 1909; Rutland Railroad Company:

Ordered: That the Rutland Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 244, issued in connection with the New York and Ottawa Railway Company, adding Brandon, N. Y., as a prepaid station on the New York and Ottawa railway to which rates shown therein will apply on less than carload shipments; provided that a tariff naming said addition is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 244, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be December 11, 1909. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1313, of date December 2, 1909."

Completed by supplement No. 3 to P. S. C. No. 244, effective December 11, 1909.

No. 1314; December 2, 1909; The Lowville and Beaver River Railroad Company:

Ordered: That The Lowville and Beaver River Railroad Company be and is hereby authorized to establish rate of three (3) cents per one hundred pounds on Scrap or Waste Paper, carloads, minimum weight twenty thousand pounds, from Lowville, N. Y., to Beaver Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 10, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than December 15, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1314, of date December 2, 1909."

Completed by P. S. C. No. 10, effective December 13, 1909.

No. 1315; December 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of four (4) cents per one hundred pounds on Barley, Buckwheat, Corn, Rye, and Wheat, carloads, minimum weight as per exceptions to official classification P. S. C., 2 N. Y., No. 7070, supplements thereto or superseding issues thereof, from Greece, N. Y., Hamlin, N. Y., Hilton, N. Y., Morton, N. Y., and Walker, N. Y., to Niagara Falls, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 6613, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and

bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1315, of date December 3, 1909."

Completed by supplement No. 3 to P. S. C. No. 6613, effective December 10, 1909.

No. 1316; December 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of ninety-five (95) cents per ton of two thousand two hundred forty pounds on Mill Cinder, carloads, minimum weight to be twenty-five tons of two thousand two hundred forty pounds each unless the marked capacity of car is less, in which case the minimum weight will be the marked capacity of car, but not less than fifteen tons of two thousand two hundred forty pounds each, from Syracuse, N. Y., to Batavia, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7221, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1316, of date December 3, 1909."

Completed by P. S. C. No. 7221, effective December 8, 1909.

No. 1317; December 3, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish, in connection with the New York, Ontario and Western Railway Company, on Crushed Stone, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand pounds, from Tomkins Cove, N. Y., the rates in cents per ton of two thousand pounds, to New York state stations on New York, Ontario and Western railway via Cornwall, N. Y., as follows: Firthcliffe and Orrs Mills, 80; Meadow Brook, 85; Little Britain, 90; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 1875, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1317, of date December 3, 1909."

Completed by P. S. C. No. 1875, effective December 8, 1909.

No. 1318; December 3, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 6763, providing rates applicable to the shipment of Apples (Green, Dried, or Evaporated), Cabbage, Onions, Pears, Pumpkins, and Squash, carloads, adding thereto Belle Isle, N. Y., as a point of shipment, and providing therein rate of nine (9) cents per one hundred pounds to apply to Union Hill, N. Y.; and also provide for such rates in cents per one hundred pounds to Union Hill, N. Y., from other stations as are shown in the application which is hereby made a part of this order; provided that a tariff naming said amendments is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 6763, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 14, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's

notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1318, of date December 3, 1909."

Completed by supplement No. 4 to P. S. C. No. 6763, effective December 11, 1909.

No. 1319; December 3, 1909; Buffalo and Susquehanna Railway Company and Buffalo, Attica and Arcade Railroad Company:

Ordered: That the Buffalo and Susquehanna Railway Company and the Buffalo, Attica and Arcade Railroad Company, each for itself, be and are hereby authorized to establish the rules and regulations for the transportation of Explosives issued by the Interstate Commerce Commission, and regulations for the transportation of Inflammable Articles and Acids issued by the American Railway Association, as applicable to shipments of such traffic between points in the State of New York subject to the jurisdiction of this Commission; provided that tariffs naming said rules and regulations are filed with the Commission as Buffalo and Susquehanna Railway Company's P. S. C., 2 N. Y., No. 157, Buffalo, Attica and Arcade Railroad Company's P. S. C., 2 N. Y., No. 92, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be December 10, 1909. Such tariffs shall be so filed and posted and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1319, of date December 3, 1909."

Completed by B. & S. Ry., P. S. C. No. 157, effective December 10, 1909, and B., A. & A. R. R., P. S. C. No. 92, effective December 10, 1909.

No. 1320; December 4, 1909; The New York Central and Hudson River Railroad Company: not used, tariff not filed.

No. 1321; December 4, 1909; The New York Central and Hudson River Railroad Company: not used; tariff not filed.

No. 1322; December 4, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee): not used; tariff not filed.

No. 1323; December 4, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee): not used; tariff not filed.

No. 1324; December 4, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel supplement No. 2 to its passenger tariff P. S. C., 2 N. Y., No. 462, containing schedule of extra fares for travel on specified trains, by a superseding issue, making with respect to traffic subject to the jurisdiction of this Commission no change therein other than in extra fares applicable to travel on train number seven from New York, N. Y., to Albany, N. Y., reducing the extra fare from one dollar to seventy-five cents; provided that a tariff naming said reduction is filed with the Commission as supplement No. 3 to P. S. C., 2 N. Y., No. 462, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be December 13, 1909. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1324, of date December 4, 1909."

Completed by supplement No. 3 to P. S. C. No. 462, effective December 13, 1909.

No. 1325; December 10, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 6683, on Milk, Buttermilk, Cream, and Pot Cheese (when shipped on milk

trains) from stations on Mohawk, Adirondack, Ontario, and St. Lawrence divisions to 130th Street, 33rd Street, New York, N. Y., and Yonkers, N. Y., adding on page three in list of stations from which rates apply, Eben, N. Y.; provided that a tariff naming said addition is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 6683, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 21, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1325, of date December 10, 1909.

Completed by supplement No. 1 to P. S. C. No. 6683, effective December 13, 1909.

No. 1326; December 11, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 498, issued jointly in connection with the Lehigh Valley Railroad Company, applying on shipments of Old Rails, in carloads, from Ridge Road Siding, N. Y., to Romulus, N. Y., and to reissue the rate contained therein making no change other than to show the rate as one dollar and forty cents ($1.40) per ton of two thousand two hundred forty pounds instead of per ton of two thousand pounds; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 499, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 10, 1910. Such tariff shall bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1326, of date December 11, 1909."

Completed by P. S. C., No. 499, effective January 10, 1910.

No. 1327; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 6743, establishing on Iron and Steel Articles as per list shown in the tariff, or less than carloads and in carloads, the rates in cents per one hundred pounds, from and to New York state stations as follows: From Beach Ridge, Black Rock, Buffalo, Cambria, Depew, East Buffalo, Echota, Forks, Lancaster, LaSalle, Lewiston, Lockport, Mapleton, Niagara Falls, North Tonawanda, Sanborn, Sawyers Creek, and Suspension Bridge to Angus, Barnes, Beaver Dams, Cascade Mills, Chambers, Corning, Dox, Dresden, Dundee, Earl, Ferenbaugh's, Himrods, Himrods Junction, Keuka Mills, May's Mills, Milo Mills, Moreland, Penn Yan, Post Creek, Reading Center, Seneca Mills, Watkins, Wedgewood, and Wentz, less than carloads, 11; carloads, 9; provided that a tariff naming said rates is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. 6743, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 4, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1327, of date December 14, 1909."

Completed by supplement No. 4 to P. S. C. No. 6743, effective January 4, 1910.

No. 1328; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Iron and Steel Articles in less than carloads and in carloads, as per list and minimum carload weights shown in freight tariff P. S. C., 2 N. Y., No. 5827, the rates in cents per one

hundred pounds, to apply in either direction between Corning, N. Y., and New York state stations as follows: Auburn, East Rochester, Geneva, Rochester, Syracuse, Victor, less carloads, 10, carloads, 8; Canastota, Oneida, Rome, Utica, less carloads, 11, carloads, 9; also from Corning to Depew, less carloads, 11, carloads, 9; Albany, Cohoes, Green Island, Schenectady, and Troy, less carloads, 12, carloads, 10; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7251, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 4, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1328, of date December 14, 1909."

Completed by P. S. C. No. 7251, effective January 4, 1910.

No. 1329; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., No. 3911, establishing on Iron and Steel Articles as per list and minimum carload weights shown in tariff P. S. C., 2 N. Y., No. 5827, in less than carloads and in carloads, the rates in cents per one hundred pounds, from Albany, N. Y., Cohoes, N. Y., Green Island, N. Y., Schenectady, N. Y., and Troy, N. Y., to New York state stations on Pennsylvania division of the New York Central and Hudson River railroad, as follows: Angus, Barnes, Beaver Dams, Bilsboro, Cascade Mills, Chambers, Corning, Dox, Dresden, Dundee, Earl, Ferenbaugh's, Himrods, Himrods Junction, Keuka Mills, May's Mills, Milo Mills, Moreland, Penn Yan, Post Creek, Reading Center, Seneca Mills, Watkins, Wedgewood, and Wentz, less than carloads, 12; carloads, 10; provided that a tariff naming said rates is filed with the Commission as supplement No. 5 to P. S. C., 2 N. Y., No. 3911, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 4, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1329, of date December 14, 1909."

Completed by supplement No. 5 to P. S. C. No. 3911, effective January 4, 1910.

No. 1330; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. 2848, and establish the rates named in the tariff on Iron and Steel Articles, Group 1, in carloads and less than carloads, from stations shown therein taking index numbers 210 to 234 inclusive as shown on page 7 of the tariff to stations named therein taking Group "C" as shown on page 11 of the tariff; provided that a tariff naming said rates is filed with the Commission as supplement No. 10 to P. S. C., 2 N. Y., No. 2848, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 4, 1910. Such tariff shall be so filed and posted and bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1330, of date December 14, 1909."

Completed by supplement No. 10 to P. S. C. No. 2848, effective January 4, 1910.

No. 1331; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish on Sand, carloads, minimum weight to be the marked capacity of car, but not less than forty thousand

pounds, the rates in cents per ton of two thousand pounds, from Lewiston, N. Y., to New York state stations as follows: Suspension Bridge and Niagara Falls and Echota, 35; LaSalle and North Tonawanda, 40; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7271, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 25, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1331, of date December 14, 1909."

Completed by P. S. C. No. 7271, effective December 22, 1909.

No. 1332; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish, in connection with the Cranberry Lake Railroad Company, the Little River Railroad Company, and the Newton Falls and Northern Railroad, rate of twelve (12) cents per one hundred pounds on Lumber and Forest Products as per list specified in freight tariff P. S. C., 2 N. Y., No. 5553, carloads, minimum weight as per official classification, to Owls Head, N. Y., from Wanakena, N. Y., via Cranberry Lake railroad, and Benson Mines, N. Y., from Little River, N. Y., via Little River railroad, and Benson Mines, N. Y.; and from New Bridge, N. Y., via Newton Falls, N. Y., and Newton Falls and Northern railroad; provided that a tariff naming said rate is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 5553, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 25, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1332, of date December 14, 1909."

Completed by supplement No. 2 to P. S. C. No. 5553, effective December 21, 1909.

No. 1333; December 14, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of five (5) dollars per car on Logs in carloads, weight not to exceed marked capacity of car, from Talcville, N. Y., to Edwards, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 7258, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 25, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1333, of date December 14, 1909."

Completed by P. S. C. No. 7258, effective December 21, 1909.

No. 1334; December 16, 1909; West Shore Railroad (The New York Central and Hudson River Railroad Company, Lessee):

Ordered: That the West Shore railroad (The New York Central and Hudson River Railroad Company, lessee) be and is hereby authorized to establish rate of one (1) dollar per ton of two thousand pounds on Crushed Stone, carloads, minimum weight marked capacity of car, but not less than forty thousand pounds, from West Nyack, N. Y., to Saugerties, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1881, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 27, 1909. Such tariff shall be so filed and posted within ten days

from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1334, of date December 16, 1909."

Completed by P. S. C. No. 1881, effective December 22, 1909.

No. 1335; December 16, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to cancel its freight tariff P. S. C., 2 N. Y., No. D–1461, on Grain and Grain Products in carloads, between its local stations, and to reissue the rates contained therein applying to commerce subject to the jurisdiction of this Commission, making no change other than to establish a carload rate of three (3) cents per one hundred pounds on Barley to be malted, to Waterloo, N. Y., from New York state stations Pre-Emption to Rochester Junction inclusive, index Nos. 417 to 436 inclusive; and Locke to Cato inclusive, index Nos. 537 to 546 inclusive; McKinneys to Half Acre inclusive, index Nos. 552 to 568 inclusive; and to Geneva, N. Y., from Farmington to Victor inclusive, index Nos. 433 to 434 inclusive; Throop to Cato inclusive, index Nos. 543 to 546 inclusive; also to substitute Barley for Grain Products as the commodity on which the carload rate of three cents per one hundred pounds now in effect in tariff P. S. C., 2 N. Y., No. D–1409, applying to Geneva, N. Y., from stations Locke to Auburn inclusive, index Nos. 537 to 542 inclusive; and McKinneys to Half Acre inclusive, index Nos. 552 to 568 inclusive; all stations referred to in the foregoing by index numbers are as specified in freight tariff P. S. C., 2 N. Y., No. D–925; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. D–1465, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 27, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1335, of date December 16, 1909."

Completed by P. S. C. No. D–1465, effective December 22, 1909.

No. 1336; December 16, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company be and is hereby authorized to cancel its joint commodity tariff P. S. C., 2 N. Y., No. 1496, in which the Boston and Maine Railroad, Central New England Railway Company, and The New York, New Haven and Hartford Railroad Company are shown as participating carriers, applying on Moulding Sand in carloads, from Albany, N. Y., Cohoes, N. Y., Delmar, N. Y., Elnora, N. Y., Kellys, N. Y., Mechanicville, N. Y., Schenectady, N. Y., South Schenectady, N. Y., Troy, N. Y., Ushers, N. Y., Waterford, N. Y., and West Waterford, N. Y., to New York, New Haven and Hartford railroad stations Stormville, N. Y., to Brewsters, N. Y., inclusive, as shown by index Nos. 264 to 272 inclusive in The Delaware and Hudson Company's freight tariff P. S. C., 2 N. Y., No. 25, and reëstablish the rate of one dollar and fifty cents ($1.50) per ton of two thousand pounds; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 2242, to be issued in lieu of P. S. C., 2 N. Y., No. 2235, rejected by the Commission, and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be January 2, 1910. Such tariff shall bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1336, of date December 16, 1909."

Completed by P. S. C. No. 2242, effective January 2, 1910.

No. 1337; December 16, 1909; New York and Ottawa Railway Company:

Ordered: That the New York and Ottawa Railway Company be and is hereby authorized to establish, in connection with The New York Central and Hudson River Railroad Company, rate of seven (7) cents per one hundred

pounds on Lumber, Railway Ties, and Forest Products, as per list to be specified in tariff, in carloads, minimum weight thirty-four thousand pounds, from Santa Clara, N. Y., to Floodwood, N. Y., via Tupper Lake Junction, N. Y.; provided that a tariff naming said rate is filed with the Commission and posted at stations at least five days prior to the effective date specified in such tariff, which effective date shall be not later than December 31, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on five days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1337, of date December 16, 1909."

Completed by P. S. C. No. 155, effective December 25, 1909.

No. 1338; December 16, 1909; The Delaware and Hudson Company:

Ordered: That The Delaware and Hudson Company, in connection with the New York, Ontario and Western Railway Company, be and is hereby authorized to establish rate of one dollar and sixty cents ($1.60) per ton of two thousand pounds on Tile, Drain, in carloads, minimum weight as per official classification, from Albany, N. Y., to Oneida, N. Y., via Sidney, N. Y.; provided that a tariff naming said rate is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 2230, and posted at stations at least thirty days prior to the effective date specified in such tariff, which effective date shall be not later than January 26, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on thirty days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1338, of date December 16, 1909."

Completed by supplement No. 1 to P. S. C. No. 2230, effective January 18, 1910.

No. 1339; December 18, 1909; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 257, correcting the rules and regulations therein relating to the liability account of loss of or damage to baggage transported between points within the State of New York, making same to conform with the requirements of section thirty-eight of the Public Service Commissions Law; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 257, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be January 1, 1910. Such tariff shall bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1339, of date December 18, 1909."

Completed by supplement No. 1 to P. S. C. No. 257, effective January 1, 1910.

No. 1340; December 18, 1909; The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company:

Ordered: That The Dunkirk, Allegheny Valley and Pittsburgh Railroad Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 80, correcting the rules and regulations therein relating to the liability account of loss of or damage to baggage transported between points within the State of New York, making same to conform with the requirements of section thirty-eight of the Public Service Commissions Law; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 80, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than December 31, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special

permission of the Public Service Commission, Second District, State of New York, No. 1340, of date December 18, 1909."

Completed by supplement No. 1 to P. S. C. No. 80, effective December 26, 1909.

No. 1341; December 18, 1909; The Lake Shore and Michigan Southern Railway Company:

Ordered: That The Lake Shore and Michigan Southern Railway Company be and is hereby authorized to amend its passenger tariff P. S. C., 2 N. Y., No. 93, correcting the rules and regulations therein relating to the liability account of loss of or damage to baggage transported between points within the State of New York, making same to conform with the requirements of section thirty-eight of the Public Service Commissions Law; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 93, and posted at stations at least three days prior to the effective date specified in such tariff, which effective date shall be not later than December 31, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on three days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1341, of date December 18, 1909."

Completed by supplement No. 1 to P. S. C. No. 93, effective December 26, 1909.

No. 1342; December 20, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of seven (7) cents per one hundred pounds on Cotton Yarn in bales or cases, any quantity, and rate of nine (9) cents per one hundred pounds on Knit Goods in cases, any quantity, to apply in either direction between Herkimer, N. Y., and St. Johnsville, N. Y.; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 7268, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than December 31, 1909. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1342, of date December 20, 1909."

Completed by P. S. C. No. 7268, effective December 27, 1909.

No. 1343; December 21, 1909; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to amend its joint and proportional commodity tariff P. S. C., 2 N. Y., No. 500, substituting Owego, N. Y., for Oswego, N. Y., as shown in item sixty-one on page twenty-two; provided that a tariff naming said correction is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 500, and posted at stations at least ten days prior to the effective date specified in such tariff, which effective date shall be January 15, 1910. Such tariff shall bear the following notation: "Issued on ten days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1343, of date December 21, 1909."

Completed by supplement No. 1 to P. S. C. No. 500, effective January 15, 1910.

No. 1344; December 24, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to establish rate of three (3) cents per one hundred pounds on Barley, carloads, minimum weight as per exceptions

to the official classification, supplements thereto and superseding issues thereof, to Waterloo, N. Y., from New York state stations as follows: Fairmount, Camillus, Martisco, Half-Way, Skaneateles Junction, Sennett, Auburn, Relius, Cayuga, Geneva, Oaks Corners, Phelps, Phelps Junction, Clifton Springs, Shortsville, Chapin, Canandaigua, Paddlefords, Mertensia, Victor, Fishers, Railroad Mills, Rands Siding, and Pittsford; provided that a tariff naming said rate is filed with the Commission as supplement No. 6 to P. S. C., 2 N. Y., No. 5303, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 4, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1344, of date December 24, 1909."

Completed by supplement No. 6 to P. S. C. No. 5303, effective January 4, 1910.

No. 1345; December 28, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to establish rate of twenty-five (25) cents per net ton on Ice, carloads, minimum weight as per official classification, supplements thereto and superseding issues thereof, from Cuba Summit, N. Y., to Cuba, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 1536, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 8, 1910. Such tariff shall be so filed and posted within ten days from the date of this order, to expire January 22, 1910, showing reference to P. S. C., 2 N. Y., No. 1527, for rates to apply thereafter, and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1345, of date December 28, 1909."

Completed by P. S. C. No. 1536, effective December 31, 1909.

No. 1346; December 31, 1909; The New York Central and Hudson River Railroad Company:

Ordered: That The New York Central and Hudson River Railroad Company be and is hereby authorized to cancel its tariff P. S. C., 2 N. Y., No. 7276, applying on shipments of Skins, Pickled Sheep, in casks, carloads and less carloads, from Melrose Junction, New York (various city stations), and Westchester Avenue, N. Y., to Malone, N. Y., and to reissue the said tariff, except that the less carload rate shall be twenty-two (22) cents per one hundred pounds; provided that a tariff naming said correction is filed with the Commission as P. S. C., 2 N. Y., No. 7331, and posted at stations at least twenty days prior to the effective date specified in such tariff, which effective date shall be February 1, 1910. Such tariff shall bear the following notation: "Issued on twenty days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1346, of date December 31, 1909."

Completed by P. S. C. No. 7331, effective February 1, 1910.

No. 1347; December 31, 1909; Lehigh Valley Railroad Company:

Ordered: That the Lehigh Valley Railroad Company be and is hereby authorized to establish on Ice, carloads, minimum weight as per official classification, supplements thereto and superseding issues thereof, rates in cents per ton of two thousand pounds as named, from Cayuga, N. Y., to Lodi, N. Y., 70; from Dryden, N. Y., to Groton, N. Y., and Richford, N. Y., 40; provided that a tariff naming said rates is filed with the Commission as supplement No. 4 to P. S. C., 2 N. Y., No. D–1369, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 11, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following

notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1347, of date December 31, 1909."

Completed by supplement No. 4 to P. S. C. No. D–1349, effective January 6, 1910.

No. 1348; December 31, 1909; Erie Railroad Company:

Ordered: That the Erie Railroad Company be and is hereby authorized to amend its tariff P. S. C., 2 N. Y., No. A–225, applying to that portion of its railroad lines west of Buffalo, N. Y., and Salamanca, N. Y., changing item No. 225 contained therein in such manner as to bring it into conformity with the order of this Commission in Case No. 59, on complaint of the New York State Shippers' Protective Association; provided that a tariff naming said amendment is filed with the Commission as supplement to P. S. C., 2 N. Y., No. A–225, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 11, 1910. Such tariff shall be so filed and posted within ten days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1348, of date December 31, 1909."

Completed by supplement No. 9 to P. S. C. No. A–225, effective January 11, 1910.

No. 1349; December 31, 1909; Otsego and Herkimer Railroad Company:

Ordered: That the Otsego and Herkimer Railroad Company be and is hereby authorized to cancel its supplement to official classification No. 35, which is filed as supplement No. 1 to P. S. C., 2 N. Y., No. 30, by a reissue of said supplement, making no change therein except in the effective date; provided that a tariff effecting said reissue is filed with the Commission as supplement No. 2 to P. S. C., 2 N. Y., No. 30, and posted at stations at least one day prior to the effective date specified in such tariff, which effective date shall be not later than January 6, 1910. Such tariff shall be so filed and posted within five days from the date of this order and bear the following notation: "Issued on one day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. 1349, of date December 31, 1909."

Completed by supplement No. 2 to P. S. C. No. 30, effective January 6, 1910.

No. E–16; March 17, 1909; The Long Island Railroad Company, The Long Island Express:

Ordered: That The Long Island Railroad Company, The Long Island Express, be and is hereby authorized to establish rate of thirty-five (35) cents per one hundred pounds, pound rates, on Cider, from Huntington, N. Y., to New York City, N. Y. (Manhattan), 72nd Street and south, with minimum charge for a single shipment of thirty (30) cents; provided that a tariff naming said rate and minimum charge is filed with the Commission as P. S. C., 2 N. Y., No. E–37, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than March 23, 1909. Such tariff shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the Public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–16, of date March 17, 1909."

Complete by P. S. C. No. E–37, effective March 20, 1909.

No. E–17; April 22, 1909; The Long Island Railroad Company, The Long Island Express:

Ordered: That The Long Island Railroad Company, The Long Island Express, be and is hereby authorized to establish on Green Fruits and Vegetables in packages, in carloads, minimum weight ten thousand (10,000) pounds per car, rate of forty (40) cents per one hundred pounds from New

New York state stations Aquebogue, Calverton, Cutchogue, Greenport, Jamesport, Laurel, Manorville, Mattituck, Peconic, Riverhead, and Southold to Brooklyn (Flatbush Avenue), N. Y.; such shipments to be loaded into car by shipper, and rate not to include wagon service at either point of shipment or destination; the rate will also apply on shipments made by one shipper to one consignee in one day, loaded in the same car at one or more of the stations named; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. E–40, and posted at stations at least three (3) days prior to the effective date specified in such tariff, which effective date shall be not later than May 5, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–17, of date April 22, 1909."

Complete by P. S. C. No. E–40, effective May 1, 1909.

No. E–18; May 4, 1909; American Express Company:

Ordered: That the American Express Company be and is hereby authorized to amend its local merchandise rate schedules applying in either direction between Stafford, N. Y., and Honeoye Falls, N. Y., Phelps Junction, N. Y., and Victor, N. Y., and establish rate of fifty (50) cents per one hundred pounds; provided that tariffs naming said rate are filed with the Commission as supplements Nos. 3 to P. S. C., 2 N. Y., A–1, schedules Nos. 730, 368, 392, and 785, and posted at stations at least one (1) day prior to the effective dates specified in such tariffs, which effective dates shall be not later than May 10, 1909. Such tariffs shall be so filed and posted within five (5) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–18, of date May 4, 1909."

Complete by supplement No. 3 to P. S. C. No. A–1 — No. 730 (Stafford); supplement No. 3 to P. S. C. No. A–1 — No. 368 (Honeoye Falls); supplement No. 3 to P. S. C. No. A–1—No. 592 (Phelps Junction); supplement No. 3 to P. S. C. No. A–1 — No. 785 (Victor); each effective May 10, 1909.

No. E–19; June 18, 1909; National Express Company:

Ordered: That the National Express Company be and is hereby authorized to establish rate of thirty (30) cents per one hundred pounds on shipments of Cream, in cans, when no wagon service is performed, applying in either direction between Cobleskill, N. Y., and Albany, N. Y., or Schenectady, N. Y. This order also includes authority to cancel supplements to tariff P. S. C., 2 N. Y., No. 11, No. 12 to Albany, No. 4 to Cobleskill, and No. 5 to Schenectady; provided that tariffs naming said rate are filed with the Commission as supplements No. 13 to Albany, N. Y., No. 5 to Cobleskill, N. Y., and No. 6 to Schenectady, N. Y., to tariff P. S. C., 2 N. Y., No. 11, and posted at stations at least two (2) days prior to the effective date specified in such tariffs, which effective date shall be not later than June 30, 1909. Such tariffs shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on two (2) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–19, of date June 18, 1909."

Completed by supplement No. 13 to P. S. C. 11 (Albany); supplement No. 5 to P. S. C. 11 (Cobleskill); supplement No. 6 to P. S. C. 11 (Schenectady), effective June 22, 1909.

No. E–20; July 10, 1909; United States Express Company:

Ordered: That the United States Express Company be and is hereby authorized to establish amendments to its exceptions to official express classification P. S. C., 2 N. Y., No. 233, and therein substitute for paragraphs (a) and (b) of Rule 11, page 7 of the Official Express Classification, the following: (a) The rates governed by this classification are based upon a

value of not exceeding $50 on each shipment of 100 lbs. or less, and not exceeding 50 cents per pound on each shipment weighing more than 100 lbs., and the liability of the express company is limited to the value above stated unless a greater value is declared at time of shipment and paid, or agreed to be paid for under the following additional charges for value: (b) when merchandise rate is $3 or less per 100 lbs., 10 cents for each $100 value, or fraction thereof; when merchandise rate exceeds $3 and not more than $8 per 100 lbs., 15 cents for each $100 value or fraction thereof; when merchandise rate exceeds $8 per 100 lbs., 20 cents for each $100 value or fraction thereof. Also to substitute for paragraph (e) of aforesaid Rule 11 in Official Express Classification the following: When the weights of separate packages are aggregated under Rule 9, the value of each of such separate packages must also be aggregated, and if the total value exceeds 50 cents per pound on the weight as aggregated, with a minimum allowance of $50, an additional charge must be made for the excess valuation in accordance with paragraph (b): Provided that a tariff naming said amendments is filed with the Commission as supplement No. 1 to P. S. C., 2 N. Y., No. 234, and posted at offices at least fifteen (15) days prior to the effective date specified in such tariff, which effective date shall be August 2, 1909. Such tariff shall bear the following notation: "Issued on fifteen (15) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–20, of date July 10, 1909."

Completed by supplement No. 1 to P. S. C. No. 234, effective August 2, 1909.

No. E–21; July 19, 1909; American Express Company:

Ordered: That the American Express Company, Adams Express Company, Canadian Express Company, The Long Island Railroad Company (Long Island Express), National Express Company, United States Express Company, and Wells Fargo and Company Express be and are hereby authorized to locally and jointly amend their tariffs issued under P. S. C., 2 N. Y., numbers which cover Official Express Classification No. 19, amending page 13, item 36, "Cream Empties"; and page 14, item 15, "Milk Empties"; adding thereto the following: Empty cans returned by the company which carried them when full must be receipted for, and when delivered at the depot by the shipper and taken from the depot by the consignee must be returned free; provided that a tariff naming said amendment is filed with the Commission as supplement No. 1 to tariffs P. S. C., 2 N. Y. numbers covering the filing of Official Express Classification No. 19, and posted at stations at least five (5) days prior to the effective date specified in such tariffs, which effective date shall be August 1, 1909. Such tariff shall bear the following notation: "Issued on five (5) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–21, of date July 19, 1909."

Complete by Adams Express supplement No. 1 to P. S. C. No. 556; American and National supplement No. 1 to P. S. C. No. 22; Long Island supplement No. 1 to P. S. C. No. E–43; United States supplement No. 1 to P. S. C. No. 233; Canadian supplement No. 1 to P. S. C. No. 10; Wells Fargo Express Co. P. S. C. No. 582.

No. E–22; July 21, 1909; Wells Fargo and Company Express:

Ordered: That the Wells Fargo and Company Express be and is hereby authorized to establish locally and jointly, in connection with the Adams Express Company, American Express Company, National Express Company, and United States Express Company, between all offices in New York state where the merchandise rate per one hundred pounds between such offices does not exceed one dollar and twenty-five cents ($1.25), rate of thirty-five (35) cents per one thousand dollars, on shipments of Paper Currency; also rate of thirty-five (35) cents per one thousand dollars, with minimum charge per shipment of twenty-five (25) cents, on "United States Unregistered or Coupon Bonds and Government Bonds of other Countries Unregistered; Detached, uncanceled

Coupons; Incomplete National Bank Notes; Deeds and Mortgages, unrecorded; Real Estate Bonds, unrecorded; and rate of fifteen (15) cents per one thousand dollars, with a minimum charge of twenty-five (25) cents per shipment on Bonds Not Otherwise Specified; Deeds and Mortgages, recorded; Real Estate Bonds, recorded; Express Travelers Cheques; Certificates of Stock, complete or incomplete; Script; Warehouse Receipts; Subscription Certificates; Checks; Drafts; Notes; Acceptances; Letters of Credit; Pension Vouchers; Certificates of Deposit; Money Orders and Warrants; provided that a tariff naming said rates is filed with the Commission as P. S. C., 2 N. Y., No. 583, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be August 1, 1909. Such tariff shall bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E-22, of date July 21, 1909."

Complete by P. S. C. No. 583, effective August 1, 1909.

No. E-23; July 23, 1909; Adams Express Company:

Ordered: That the Adams Express Company be and is hereby authorized to amend its exceptions to official express classification P. S. C., 2 N. Y., No. 556, and therein substitute for paragraphs (a) and (b) of Rule 11, page 7 of the Official Express Classification, the following: (a) The rates governed by this classification are based upon a value of not exceeding $50 on each shipment of 100 lbs. or less, and not exceeding 50 cents per pound on each shipment weighing more than 100 lbs., and the liability of the express company is limited to the value above stated unless a greater value is declared at time of shipment and paid, or agreed to be paid for, under the following additional charges for value: (b) when merchandise rate is $3 or less per 100 lbs., 10 cents for each $100 value or fraction thereof; when merchandise rate exceeds $3 and is not more than $8 per 100 lbs., 15 cents for each $100 value or fraction thereof; when merchandise rate exceeds $8 per 100 lbs., 20 cents for each $100 value or fraction thereof. Also to substitute for paragraph (e) of aforesaid Rule 11 in Official Express Classification the following: when the weights of separate packages are aggregated under rule 9, the value of such separate packages must also be aggregated, and if the total value exceeds 50 cents per pound on the weight as aggregated, with a minimum allowance of $50, an additional charge must be made for the excess valuation in accordance with paragraph (b); provided that a tariff naming said amendments is filed with the Commission as supplement 1 to P. S. C., 2 N. Y., No. 557, and posted at offices at least three (3) days prior to the effective date specified in such tariff, which effective date shall be August 2, 1909. Such tariff shall bear the following notation: "Issued on three (3) days' notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E-23, of date July 23, 1909."

Complete by supplement No. 1 to P. S. C. No. 557, effective August 2, 1909.

No. E-24; July 29, 1909; American Express Company:

Ordered: That the American Express Company, Adams Express Company, Canadian Express Company, The Long Island Railroad Company (Long Island Express), National Express Company, United States Express Company, and Wells Fargo and Company Express be and are hereby authorized to locally and jointly amend their tariffs issued under P. S. C., 2 N. Y., numbers which cover Official Classification No. 19, amending page 19, item 9, to read: Moving Picture Films: accept only when in metal cases inclosed in wooden boxes or in fibre-board boxes or pails, merchandise rate; they must bear a label printed on red paper not less than three inches square reading as follows: Moving Picture Films — Must not be loaded or stored near a radiator, stove or other source of heat; provided that a tariff naming said amendment is filed with the Commission as supplement No. 2 to tariffs P. S. C., 2 N. Y. numbers covering the filing of Official Classification No. 19, and posted at stations at least one (1) day prior to the effective date specified in such

tariffs, which effective date shall be August 2, 1909. Such tariffs shall be so filed and posted and bear the following notation: "Issued on one (1) day's notice to the public and commission under special permission of the Public Service Commission, Second District, State of New York, No. E–24, of date July 29, 1909."

Complete by supplement No. 2 to Adams Express P. S. C. No. 556; American and National P. S. C. No. 22; Long Island P. S. C. No. E–43; United States P. S. C. No. 233; Wells Fargo P. S. C. No. 577, effective August 2, 1909. Not filed by Canadian Express within time specified.

No. E–25; August 28, 1909; Wells Fargo and Company Express:

Ordered: That the Wells Fargo and Company Express be and is hereby authorized to establish rate of 50 cents per 100 pounds on Peaches, in lots of 10,000 pounds or more, between Lockport, N. Y., and Wellsville, N. Y.; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. 586, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 8, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission, under special permission of the Public Service Commission, Second District, State of New York, No. E–25, of date August 28, 1909."

Completed by P. S. C. No. 586, effective September 2, 1909.

No. E–26; September 14, 1909; The Long Island Railroad Company (Express Department):

Ordered: That The Long Island Railroad Company (Express Department) be and is hereby authorized to establish rate of fifty (50) cents per one hundred (100) pounds, pound rates, no wagon service to be performed at point of shipment, on Cauliflower, from Mastic, N. Y., Center Moriches, N. Y., East Moriches, N. Y., and Eastport, N. Y., to Brooklyn, N. Y., Flatbush Avenue; and to New York, N. Y., Manhattan, 72nd Street, and south, said rate to expire with close of business and season December 1, 1909; provided that a tariff naming said rate is filed with the Commission as P. S. C., 2 N. Y., No. E–47, and posted at stations at least one (1) day prior to the effective date specified in such tariff, which effective date shall be not later than September 25, 1909. Such tariff shall be so filed and posted within ten (10) days from the date of this order and bear the following notation: "Issued on one (1) day's notice to the public and Commission under special permission of the Public Service Commission, Second District, State of New York, No. E–26, of date September 14, 1909."

Completed by P. S. C. No. E–47, effective September 20, 1909.

APPENDIX Q

Reports of Supervisor of Equipment for Year Ended December 31, 1909.

APPENDIX Q

HON. F. W. STEVENS, *Chairman,*
Public Service Commission, Second District:

DEAR SIR: Herewith is transmitted a detailed report of the work of the Supervisor of Equipment for the year ending December 31, 1909. The unfinished period between December 13th and December 31st has been estimated.

Tables and comments embodied in this report give specific data and information as follows:

Table A shows distribution of time;

Table B shows general information relative to locomotive equipment inspection;

Table C shows general data relative to locomotive equipment at the time of inspection;

Table D shows condition of locomotive equipment at the time of inspection on Class A railroads;

Table E shows condition of locomotive equipment at the time of inspection on Class B railroads;

Table F shows condition of locomotive equipment at the time of inspection on Class C railroads (the several railroads have been divided into three classes for purposes of comparison);

Table G shows condition of passenger car equipment at the time of inspection;

Table H shows general information relative to locomotive inspection and fires occurring: Forest Fire Case No. 494.

Information is also embodied in the attached report relative to accident investigations, train movement and engine failure reports.

Suggestions and recommendations are made: 1, relative to the revision of train movement and engine failure reports and methods of checking same; 2, publication of engine failure reports; 3, inspection of equipment; 4, investigation of special subjects; 5, revision of rules governing the reporting of accidents; 6, work for the ensuing year.

The attached report covers in detail the general inspection of 470 locomotives on 21 railroads; 30 passenger cars on 12 railroads; 45 field investigations of accidents; 40 correspondence investigations of accidents; train movement and engine failure reports; result of inspection of locomotives used in the Adirondack Forest Preserve in accordance with order issued by the Commission April 1, 1909, in Forest Fire Case No. 494.

The spark-arresters and ash-pans of 109 locomotives were inspected, and at first inspection 67, or 61 per cent, were found to be in a defective condition.

Recommendations are made relative to the appointment of at least two inspectors to be constantly employed inspecting locomotive equipment, and the appointment of one train service inspector who would be employed checking train movements, train dispatchers' sheets, condition of passenger cars, stations, and assisting the Supervisor of Equipment in the special investigations which are required from time to time. This man should be a man of engineering experience who has had some experience in train service matters. I would recommend that a man of this character be appointed as promptly as possible. The train movement reports require closer analysis and inspection to be valuable. I have not been able to give this matter the attention it requires on account of other duties to which I have been assigned.

Many miscellaneous matters are also held on my desk an unreasonable length of time on account of not having sufficient clerical and engineering assistance to handle same promptly.

TABLE A

Distribution of Time January 1, 1909, to December 31, 1909:

Nature of employment.	Number of days employed.	Percentage of days employed.
Inspection of locomotives and terminals	85	28
Compiling reports of inspection of locomotives and terminals	18	5.9
Inspection of passenger cars	15	4.9
Forest fire proceeding and inspection of equipment incident to same	66	21.7
Investigation of accidents (field)	27	8.8
Investigation of correspondence	8	2.6
Compiling reports of investigation of accidents	8	2.6
Compiling data, reports, and attending to inspections and correspondence incident to train movement and engine failure reports	39	12.8
Investigation of special subjects	21	6.8
Attending hearings, conferences, etc	18	5.9
Total	305	100.

TABLE B

Details of Locomotive Equipment Inspection:

Nature.	Number.	Percentage.
Steam railroad systems operating in State	61	100
Steam railroad systems on which general inspection of locomotive equipment was made	21	34.2
Locomotive terminals in State	164	100
Locomotive terminals at which general inspection was made	44	33.5
Locomotives assigned to service in State, approximate	6000	100
Locomotives which have received general inspection.	470	7.8

TABLE C

General Data Relative to Locomotive Equipment at Time of Inspection:

Nature.	Number.	Percentage.
Locomotives assigned to service in the State, approximate	6000	100
Locomotives assigned to service in State in service and available for service, inspected	470	7.8
Locomotives assigned to service in State on railroads on which general inspection was made	692	100
Locomotives assigned to service in State and available for service, inspected	470	67.9
Locomotives in shop and awaiting shop	90	13
Locomotives in service and available for service	602	87

TABLE D

Nature of defects.		Class A railroads inspected.				
		Boston & Albany.	Boston & Maine.	Lehigh Valley.	Rutland.	Total.
Number of locomotives assigned to service in State	No.	100	120	302	45	567
Number of locomotives in shop and awaiting shop	No.	15	15	35	6	71
	%	15	12.5	11.5	13.3	12.5
Number of locomotives in service and available for service	No.	85	105	267	39	496
	%	85	87.5	88.5	86.7	87.5
Number of locomotives inspected	No.	67	90	159	40	356
	%	67	75	53	88.8	62.8
Number and percentage of defects:						
Machinery in general bad condition	No.	9	12	7	2	30
	%	13.4	10	4.4	5	8.4
Boilers, flues, and fireboxes leaking	No.	13	6	12	6	37
	%	19.4	5	7.5	15	10.4
Foundation rings leaking	No.	12	12	13	5	42
	%	17.9	10	8.1	12.5	11.8
Air brakes defective	No.	5	.....	.....	.....	5
	%	7.5	.....	.....	.....	1.4
Safety appliances defective	No.	.....	.....	9	.....	9
	%	.....	.....	5.6	.....	2.5
Tender trucks defective	No.	4	6	1	.....	11
	%	5.7	5	6	.....	3.1
Boiler mountings in cabs leaking	No.	4	6	2	1	13
	%	5.7	5	1.2	2.5	3.6
Boiler mountings outside of cabs leaking	No.	12	12	13	2	39
	%	17.9	10	8.1	5	11
Metallic packing leaking	No.	12	6	21	5	44
	%	17.9	5	13.8	12.5	12.3
Tires in bad condition (worn $\frac{3}{8}$ in. or over)	No.	8	3	5	.....	16
	%	11.9	2.5	3.1	.....	4.5

TABLE E

Nature of defects.		Class B railroads inspected.		
		Buffalo & Susquehanna.	Ulster & Delaware.	Total.
Number of locomotives assigned to service in State	No.	45	30	75
Number of locomotives in shop and awaiting shop	No.	7	5	12
	%	15.5	16.6	16
Number of locomotives in service and available for service	No.	38	25	63
	%	84.5	83.4	84
Number of locomotives inspected	No.	45	19	64
	%	100	63.3	85.3
Number and percentage of defects:				
Machinery in general bad condition	No.	9	1	10
	%	20	3.3	15.6
Boilers, flues, and fireboxes leaking	No.	8	1	9
	%	17.7	3.3	14
Foundation rings leaking	No.	9	1	10
	%	20	3.3	15.6
Air brakes defective	No.	1	.....	1
	%	2.2	.....	1.6
Safety appliances defective	No.	1	.....	1
	%	2.2	.....	1.6
Tender trucks defective	No.	.....	.....	.....
	%	.....	.....	.....
Boiler mountings in cabs leaking	No.	5	1	6
	%	11.1	3.3	9.4
Boiler mountings outside of cabs leaking	No.	9	.....	9
	%	20	.....	14
Metallic packing leaking	No.	9	4	13
	%	20	13.3	20.3
Tires in bad condition (worn $\frac{3}{8}$ in. or over)	No.	4	1	5
	%	8.8	3.3	7.8

TABLE F

Nature of defects.		Class C railroads inspected.							
		Adirondack & St. Lawrence.	Buffalo Creek.	Glenfield & Western.	Greenwich & Johnsonville.	Jamestown, Chau. & Lake Erie.	L. Champlain & Moriah.	Little Falls & Dolgeville.	Marcellus & Otisco Lake.
Number of locomotives assigned to service in State	No.	1	13	3	4	5	7	2	2
Number of locomotives in shop and awaiting shop	No.	.....	2	.....	.....	1	.....	.....	.....
	%	.....	16	.....	.....	20	.....	.....	.....
Number of locomotives in service and available for service	No.	1	11	3	4	4	7	2	2
	%	100	84	100	100	80	100	100	100
Number of locomotives inspected	No.	1	13	3	4	5	7	2	2
Number and percentage of defects:									
Machinery in general bad condition	No.	.....	3	.....	.....	1	1	.....	.....
	%	.....	23	.....	.....	20	.....	.....	.....
Boilers, flues, and fireboxes leaking	No.	.....	3	.....	1	.....	1	.....	1
	%	.....	23	.....	25	.....	.....	.....	50
Foundation rings leaking	No.	.....	4	.....	.....	1	.....	.....	.....
	%	.....	31	.....	.....	20	.....	.....	.....
Air brakes defective	No.	.....	.....	.....	.....	.....	.....	.....	1
	%	.....	.....	.....	.....	.....	.....	.....	50
Safety appliances defective	No.	.....	.....	1	.....	1	.....	1	1
	%	.....	.....	33	.....	20	.....	50	50
Tender trucks defective	No.	.....	.....	.....	.....	2	.....	1	.....
	%	.....	.....	.....	.....	40	.....	50	.....
Boiler mountings in cabs leaking	No.	.....	3	.....	.....	.....	.....	.....	1
	%	.....	23	.....	.....	.....	.....	.....	50
Boiler mountings outside of cabs leaking	No.	.....	3	.....	1	.....	1	.....	.....
	%	.....	23	.....	25	.....	.....	.....	.....
Metallic packing leaking	No.	.....	5	.....	1	1	1	.....	.....
	%	.....	38	.....	25	20	.....	.....	.....
Tires in bad condition (worn $\frac{3}{8}$" or over)	No.	.....	4	.....	.....	2	.....	.....	.....
	%	.....	31	.....	.....	40	.....	.....	.....

TABLE F (*concluded*)

Nature of defects.		Class C railroads inspected.							
		Marion River Carry.	Middleburgh & Schoharie.	N.Y., A. & Lansing.	Norwood & St. Lawrence.	Paul Smith's.	Schoharie Valley.	Sterling Mountain.	Total.
Number of locomotives assigned to service in State	No.	1	1	5	3	1	1	1	50
Number of locomotives in shop and awaiting shop	No.	.....	.....	3	.....	.....	1	.....	7
	%	.....	.....	60	.....	.....	100	.....	14
Number of locomotives in service and available for service	No.	1	1	2	3	1	.....	1	43
	%	100	100	40	100	100	.....	100	86
Number of locomotives inspected	No.	1	1	5	3	1	1	1	50
Number and percentage of defects:									
Machinery in general bad condition	No.	.....	.....	1	.....	.....	Locomotive in shop receiving general repairs	.....	6
	%	.....	.....	20	.....	.....		.....	12
Boilers, flues, and fireboxes leaking	No.	.....	.....	1	.....	.....		1	8
	%	.....	.....	20	.....	.....		.....	16
Foundation rings leaking	No.	.....	.....	.....	.....	.....		.....	5
	%	.....	.....	.....	.....	.....		.....	10
Air brakes defective	No.	.....	1	1	.....	.....		.....	3
	%	.....	100	20	.....	.....		.....	6
Safety appliances defective	No.	.....	1	.....	.....	.....		.....	5
	%	.....	100	.....	.....	.....		.....	10
Tender trucks defective	No.	.....	.....	1	1	.....		.....	5
	%	.....	.....	20	33	.....		.....	10
Boiler mountings in cabs leaking	No.	.....	1	.....	.....	.....		.....	5
	%	.....	100	.....	.....	.....		.....	10
Boiler mountings outside of cabs leaking	No	.....	.....	1	1	.....		1	8
	%	.....	.....	20	33	.....		.....	16
Metallic packing leaking	No.	.....	.....	1	.....	.....		1	10
	%	.....	.....	20	.....	.....		.....	20
Tires in bad condition (worn $\frac{3}{8}$" or over)	No.	.....	.....	.....	.....	.....		.....	6
	%	.....	.....	.....	.....	.....		.....	12

INSPECTION OF LOCOMOTIVE EQUIPMENT AND REPAIR FACILITIES.

There are operating in this State 61 steam railroad systems, with approximately 6000 locomotives assigned to service in this State. General inspection has been made of 470 locomotives and 44 locomotive terminals on 21 steam railroads.

There are located in this State 164 locomotive terminals at which general, heavy, or running repairs are made to locomotives.

I was employed 100 days, or 33.9 per cent of my time, making the inspections outlined and compiling the reports incident to same. Had it been possible to devote my entire time to this work, I would have been able to have made a general inspection of locomotives on 50 per cent of the railroads; it would also have been possible to visit and make inspection of all locomotive terminals.

The following lists show the railroads on which general inspection of locomotive equipment was made in 1908 and 1909, and railroads on which no general inspection of locomotive equipment has been made to date:

Railroads on which general inspection of locomotive equipment and terminals was made during year ended December 31, 1909: Class A: Boston and Albany, Boston and Maine, Lehigh Valley, Rutland; Class B: Buffalo and Susquehanna, Ulster and Delaware; Class C: Adirondack and St. Lawrence, Buffalo Creek, Glenfield and Western, Greenwich and Johnsonville, Jamestown, Chautauqua and Lake Erie, Lake Champlain and Moriah, Little Falls and Dolgeville, Marcellus and Otisco Lake, Marion River Carry, Middleburgh and Schoharie, New York, Auburn and Lansing, Norwood and St. Lawrence, Paul Smith's, Schoharie Valley, Sterling Mountain; total 21 railroads, operating 692 or 11.5 per cent of the locomotives assigned to service in the State.

Railroads on which general inspection of locomotive equipment and terminals was made during year ended December 31, 1908: Class A: Buffalo Rochester and Pittsburgh, Delaware and Hudson, Delaware, Lackawanna and Western, Erie, New York Central and Hudson River, New York, Ontario and Western, Pennsylvania; Class B: Central New England, Lehigh and Hudson River; Class C: Bath and Hammondsport, Buffalo, Attica and Arcade, Carthage and Copenhagen, Catskill Mountain, Delaware and Eastern, Fonda, Johnstown and Gloversville, Kanona and Prattsburgh, Lowville and Beaver River, Silver Lake, Skaneateles; total 19 railroads, operating 3634 or 61 per cent of the locomotives assigned to service in this State in 1908, and given a general inspection during the year 1908.

Railroads on which no general inspection of locomotive equipment or terminals has been made to date: Class A: Lake Shore and Michigan Southern, Long Island, Michigan Central, New York, New Haven and Hartford; Class B: New York, Chicago and St. Louis, Pittsburg, Shawmut and Northern; Class C: Catskill and Tannersville, Cranberry Lake, Dansville and Mt. Morris, Dunkirk, Allegheny Valley and Pittsburgh, Fulton Chain, Genesee and Wyoming, Lehigh and New England, Newark and Marion, New York and Ottawa, New York and Pennsylvania, Owasco River, Raquette Lake, South Buffalo, Tunesassa and Bradford, Unadilla Valley; total 21 railroads, operating 1674 or 27.5 per cent of the locomotives assigned to service in this State.

Observations as to Results after General Inspection of Locomotive Equipment and Repair Facilities.

On account of work incident to the forest fire proceeding and other important work to which I was assigned, I have been unable to make as close observations of results and compliance made with recommendations that I have desired. On the Lehigh Valley railroad, general inspection was finished September 22, 1909. The condition of locomotive equipment was generally fair, with the exception of ash-pans and spark-arresters, 41 per cent of which were found to have serious defects. Recommendations were made relative to improving this condition. The railroad management advised that these recommendations would be complied with promptly. I have since visited a number of engine houses on the Lehigh Valley railroad and found that the

condition of ash-pans and spark-arresters is being gradually improved, and that the recommendations made at the time of inspection are being complied with.

On a number of the smaller railroads, at inspection serious defects were found in safety appliances, air brakes, tank wheels, etc. Recommendations were made requiring proper repairs, renewals, and inspection. The following railroads have complied in detail with the recommendations made as to defects in safety appliances, air brakes, tank wheels, etc.: Glenfield and Western, Little Falls and Dolgeville, Marcellus and Otisco Lake, Middleburgh and Schoharie, Norwood and St. Lawrence. Other conditions, such as methods and regularity of inspection and repairs, have been considerably improved. Railroads of this character do not as a rule have an efficient repair staff or repair facilities, and on this account they should be subject to frequent inspection.

Inclination of Railroads to Curtail Engine House and Shop Expenses to an Unreasonable Limit.

In the early part of the present year rigid curtailment of expenses was enforced in general repair shops and engine houses. At times it seemed as though this curtailment was near the danger limit. A considerable number of shops and engine houses were not making over 65 per cent of full time. The Delaware and Hudson Company appeared to practice the most rigid economy: for several weeks shops did not run to exceed 32 hours per week, and later in the year were completely shut down for a period of 10 days; the engine houses ran during this period with greatly reduced forces.

The result of this curtailment will undoubtedly show in train delays and unsatisfactory freight service during the coming winter.

Within the past 90 days, on all railroads there has been a gradual increase of working hours and size of repair staffs in shops and engine houses so that at the present time the efficiency of shops and engine houses is rapidly improving.

Relative to Equipment Inspection.

1. To make equipment inspection efficient, I believe that a return trip should be made within 60 days over the railroad inspected to ascertain if recommendations made have been complied with.

2. All steam railroads should have general inspection made of locomotive equipment at least once each year. The smaller railroads in particular require special supervision on account of their lack of repair facilities and efficient repair staffs. At times they have no one in their employ who thoroughly understands the importance of maintaining air brakes, safety appliances, feed water apparatus, etc., in good operating condition.

3. To properly attend to general inspection of locomotive equipment would require the services of at least two inspectors who are thoroughly familiar with locomotive operation and maintenance and who could be constantly employed riding locomotives and inspecting at locomotive repair terminals.

PASSENGER CAR INSPECTION

TABLE G

Nature of defects.		Adirondack & St. Lawrence.	Glenfield & Western.	Greenwich & Johnsonville.	Jamestown, Chau., & Lake Erie.	Little Falls & Dolgeville.	Marcellus & Otisco Lake.	Marion River Carry.	Middleburgh & Schoharie	N. Y., Auburn & Lansing.	Norwood & St. Lawrence.	Paul Smith's.	Schoharie Valley.	Total.
Number of cars operated	No.	1	1	4	6	4	2	3	1	3	2	2	1	30
Air brakes defective.	No.	.....	.....	.....	1	.....	.....	3	1	.....	.....	.....	.....	5
	%	.....	.....	.....	16	.....	.....	100	100	.....	.....	.....	.....	17
Safety appliances defective	No.	.....	.....	.....	2	.....	1	3	.....	.....	.....	.....	.....	5
	%	.....	.....	.....	33	.....	50	100	.....	.....	.....	.....	.....	17
Trucks defective	No.	.....	1	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	3
	%	.....	100	.....	.....	.....	100	.....	.....	.....	.....	.....	.....	10
Draft gear defective.	No.	.....	.....	1	.....	.....	1	3	.....	.....	.....	.....	.....	5
	%	.....	.....	25	.....	.....	50	100	.....	.....	.....	.....	.....	17
Stoves defective	No.	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	2
	%	100	.....	.....	.....	.....	.....	.....	100	.....	.....	.....	.....	7
Oil lamps defective	No.	.....	.....	.....	.....	.....	2	.....	.....	3	.....	.....	.....	5
	%	.....	.....	.....	.....	.....	100	.....	.....	100	.....	.....	.....	17
Cars not equipped with emergency tools	No.	.....	1	.....	2	.....	2	3	.....	1	.....	.....	.....	9
	%	.....	100	.....	33	.....	100	100	.....	33	.....	.....	.....	30

General inspection of passenger car equipment has been made on 12 railroads, operating 30 passenger cars. I was employed 15 days, or 4.9 per cent of my time, making this inspection and compiling the reports incident to same.

The following are the railroads on which inspection of passenger cars was made: Adirondack and St. Lawrence, Glenfield and Western, Greenwich and Johnsonville, Jamestown, Chautauqua and Lake Erie, Little Falls and Dolgeville, Marcellus and Otisco Lake, Marion River Carry, Middleburgh and Schoharie, New York, Auburn and Lansing, Norwood and St. Lawrence, Paul Smith's, Schoharie Valley.

A number of serious defects were noted in air brakes, safety appliances, and in the method of fastening and guarding stoves. Also in the care of oil lamps, drinking water tanks, lavatories, and in the general clean and sanitary condition of cars. Recommendations were made regarding these various objectionable features, but owing to lack of time I have been unable to ascertain if the recommendations made have been properly complied with. The railroads involved, in all cases, advised that the recommendation made had been complied with.

Relative to Inspection of Passenger Car Equipment.

On the smaller railroads, general inspection of air brakes, safety appliances, running gear, stoves, and oil lamps, also general condition as to cleanliness and sanitary conditions, should be made at regular intervals. On the larger railroads this is not essential, good care as a whole being given to air brakes and safety appliances, and cars are nearly all heated with steam and lighted with gas or electricity. On all railroads the traveling employees of the Commission, with a special printed form, could keep the Commission informed as to defective interior condition of passenger equipment, as follows: over- or under-heated cars, poorly lighted cars, poorly ventilated cars, unclean condition of cars, dirty drinking water facilities, dirty towels, wash basins, etc. When conditions such as are outlined are encountered, a short concise report on a printed form could be filled in quickly with little expenditure of time. Reports of this character would keep the Commission in touch with bad conditions, and special investigation could be made when necessary.

FOREST FIRE PROCEEDING

TABLE H

Railroads.	Locomotives inspected.			Fires occurring April 1 to November 1, 1909.						
	No.	Condition.		Area burned over, acres.	Reported cause of fires.					
		Bad.	Good.		Locomotives.	Clearing land.	Rubbish.	Campers.	Unknown.	Total.
Brooklyn Cooperage Co	2	1	1	.....	2	.....	.....	.....	1	3
Cranberry Lake R. R	1	.....	1	.....	.....	.....	.....	.....	.....	.....
D. & H. Co., Chateaugay branch	26	19	7	¼	2	.....	.....	.....	2	4
D. & H. Co., Chat. Iron & Ore Co	3	3	.....	.....	.....	.....	.....	.....	.....	.....
Marion River Carry	1	1	.....	.....	.....	.....	.....	.....	.....	.....
N. Y. C. & H. R. R. R. Co., Adirondack subdivision	56	26	30	665	28	.....	1	.....	2	31
N. Y. C. & H. R. R. R. Co., Carthage & Adirondack branch	7	7	.....	1–10	8	3	.....	.....	3	14
N. Y. C. & H. R. R. R. Co., New York & Ottawa	10	8	2	15	31	.....	.....	1	9	41
Paul Smith's R. R	1	1	.....	.....	.....	.....	.....	.....	.....	.....
Rich Lumber Co	2	1	1	.....	.....	.....	.....	.....	.....	.....
Total	109	67	42	680 3–10	71	3	1	1	17	93

The Forest Fire proceeding was brought by the Forest, Fish, and Game Commission to compel a change of fuel or motive power on the railroad lines operating within the Forest Preserve of the Adirondack region. I was employed 66 days, or 21.7 per cent of my time, attending hearings, compiling data, and attending to correspondence necessary to obtain information relative to oil burning locomotives; also in inspecting ash-pans and spark-arresters of 109 locomotives involved and issuing the necessary certificates.

After a number of hearings and the compiling of a large amount of general information, an order was issued by this Commission, April 1, 1909, requiring:

1. That The New York Central and Hudson River Railroad Company, operating the Mohawk and Malone railway, the Carthage and Adirondack railway, and the New York and Ottawa railway;

The Delaware and Hudson Company; and the Cranberry Lake Railroad Company, be required to burn oil for steam generation on all locomotives operated by said companies within the Forest Preserve in the Adirondack region from April 15th to November 1st each year, commencing with April 15, 1910.

2. That all locomotives used by these companies in this region at night, from April 15th to November 1st each year, between the hours of 8 p. m. and 8 a. m., shall be required to burn oil in the generation of steam, except such locomotives as shall have been inspected by this Commission and for which a certificate shall have been issued; this certificate to be revocable at the pleasure of the Commission.

3. That at least two locomotives on the Mohawk and Malone railway and two on The Delaware and Hudson Company's railroad be fitted with oil burning apparatus and placed in service not later than July 15th of the present year and maintained in service until at least November 1st.

4. That no locomotive other than an oil burning locomotive be used by the said companies within the limits of the Forest Preserve at any time subsequent to June 1, 1909, unless it shall have been inspected by this Commission and a certificate, revocable at pleasure, issued that such locomotive may be used within the Forest Preserve.

5. That each of the several companies affected by this resolution make weekly report to this Commission of all fires set by locomotives operated by it, giving the number of the locomotive known or believed to have set such fire.

Experimental Oil Burning Locomotives.

July 1, 1909, The New York Central and Hudson River Railroad Company placed in service two experimental oil burning locomotives, Nos. 2115 and 2131; both locomotives were of the 10-wheel type, cylinders 22-in. diam. x 26-in. stroke, weight on drivers 158,000 lbs., boiler steam pressure 200 lbs., grate area 54.93 sq. ft. These locomotives were assigned to service on local passenger trains between Utica and Malone Junction, a run of 167 miles each day; the engine crews changing in each direction at Tupper Lake Junction. The crews did not follow the engine assignment, three crews running each engine between Utica and Tupper Lake Junction, and one crew between Tupper Lake Junction and Malone Junction. In addition to this, firemen were frequently changed for purposes of instruction in oil burning, etc. This frequent changing of firemen, while necessary in order to familiarize the employees with oil burning locomotives, will result in a comparatively poor record as to the number of gallons of oil which may be equivalent to one ton of coal.

Temporary oil storage facilities were located at Utica, Tupper Lake Junction, and Malone Junction, and consisted at each place of two tanks with a capacity of about 20,000 gallons, oil being pumped from tank car to storage tank and run by gravity from storage tank to locomotive tank.

On account of the large grate area (54.93 sq. ft.) of these locomotives a considerable portion of same was bricked off in order to reduce the area of the grate surface. These locomotives were equipped with what is known as the Heintzelman burner, a type similar to that in use by the Southern Pacific Railroad Company.

I have no definite data at the present time as to the amount of oil consumed per mile run or as to the amount of repairs required on account of oil burning. I have been unofficially informed that considerable trouble has been experienced in the matter of steam failures caused by serious leaking of crown stays and flues; also that the oil consumption was greatly in excess of any figures which were given at the various hearings before this Commission. I have also been informed that a number of engine failures have occurred as a result of the oil burning apparatus.

On the first trips which these locomotives were run the black smoke from the smoke stack was unreasonable and indicated a great waste of oil on account of heavy firing. This condition was greatly improved as the season advanced. Locomotive No. 2115 was out of service August 28th, and October 3rd to October 12th, 10 days. Locomotive No. 2131 was out of service for repairs September 19th, and September 26th to October 12th, 17 days.

July 1, 1909, The Delaware and Hudson Company placed in service two experimental oil burning locomotives, Nos. 60 and 549. Locomotive No. 60 is of the mogul type, cylinders 18-in. diam. by 24-in. stroke, 107,709 lbs. weight on drivers, boiler steam pressure 140 lbs., grate area 36.75 sq. ft. Locomotive No. 549 is of the 10-wheel type, cylinders 21-in. diam. by 26-in. stroke, weight on drivers 134,000 lbs., boiler steam pressure 200 lbs., grate area 84.85 sq. ft. Locomotive No. 60 was assigned to service on local freight train between Lyon Mountain and Lake Placid, running a round trip each day, or a run of 94 miles. Locomotive No. 549 was assigned to service on passenger train between Plattsburgh and Lake Placid, running a round trip each day, or a run of 166 miles. Eighteen firemen operated these locomotives in the period between July 15 and November 1, 1909.

Temporary oil storage facilities were located at Plattsburgh and Lake Placid: they consisted of a pump only, and oil was pumped direct from tank cars to locomotive tanks. On account of the large grate area (84.85 sq. ft.) in locomotive No. 549, a considerable portion of same was bricked off in order to reduce the area of the grate surface. These locomotives are equipped with the W. H. Best American calorific oil burning device.

I have no definite data at the present time as to the amount of oil consumed per mile run or as to the amount of repairs required on account of oil burning. I have been unofficially informed that no trouble has been experienced with locomotive No. 60, and that with locomotive No. 549 some trouble has been experienced with leaky crown stays and brick arches falling down. I have also been informed that no engine failures have occurred as a result of oil burning apparatus.

Information is being compiled by The New York Central and Hudson River Railroad Company and The Delaware and Hudson Company covering the matter of oil consumption, train delays and engine failures, and increased cost of repairs as the result of oil burning. When this information is received it will be made the subject of a supplementary report.

Inspection of Spark-arresters and Ash-pans of Coal Burning Locomotives.

After conference and consideration of the subject, it was decided to make the following requirements as to condition of spark-arresters and ash-pans which must be complied with before a certificate would be issued:

Spark-arrester: Wire netting not to exceed opening in a wire screen of 2½ x 2½ meshes per inch, wire No. 10 B. W. G.; no holes around steam pipes, exhaust pipe, blower pipes, air-pump exhaust pipe, and at all connections, to exceed the opening in a screen 2½ x 2½ meshes per inch, wire No. 10 B. W. G.; all netting, patches, etc., to be well bolted and substantially fastened.

Ash-pans: Injector overflows to be piped into ash-pan; all openings in ash-pan to be screened or guarded so that no cinders could drop from firebox or ash-pan; when hopper pans are used, the operating lever is to be locked when slides are closed; when back and front dampers are used, arrangements are to be made so same can be closed and securely fastened; front damper to be closed running in forward motion; back damper to be closed running in back motion.

Conditions Existing at the Time of Inspection of Spark-arresters and Ash-pans.

The spark-arresters and ash-pans of 109 locomotives were inspected; at first inspection 67 of these locomotives were found to have serious defects in spark-arresters or ash-pans, and in a number of instances 6 or 7 days elapsed before repairs were made; and three inspections were required before spark-arresters were in proper condition to warrant the issuing of certificates. The condition was surprising after the agitation relative to forest fires.

Table H gives a summary of the conditions noted on individual railroads at the first inspection. It will be noted that 67, or 61 per cent of locomotives inspected, were defective either in spark-arrester or ash-pan at first inspection. At nearly all engine houses inexcusable defects were noted and long delays were incurred waiting for proper repairs to be made before certificates could be issued. On locomotives recently out of shop after heavy repairs, inexcusable defects were noted, indicating that little attention had been given the matter of repairs or design at general repair shops. It was necessary for your engineer to spend three weeks on The Delaware and Hudson Company before spark-arresters and ash-pans were in a sufficiently good condition to warrant the issuing of certificates. At a number of places on The New York Central and Hudson River Railroad Company there seemed to be insufficient help to make proper repairs and daily inspection. The indications were that sufficient care was not given to these details in making general repairs and that little attention was given to the design of joints, patches, etc. On the Carthage and Adirondack all locomotives were found to be in a defective condition. On the New York and Ottawa I was informed that no instructions had been received from The New York Central and Hudson River Railroad Company's general offices as to what was required in the way of improving the condition of spark-arresters and ash-pans; at first inspection 8 locomotives were found to be in a defective condition; it was necessary to make three inspections before conditions were sufficiently good to warrant the issuing of certificates.

The conditions outlined existed after six months' agitation in the matter of oil burning locomotives and the definite promise of the railroads involved to eliminate any imperfections in their coal burning locomotives. This unsatisfactory condition was called to the attention of the management of the railroads concerned and after a number of check inspections a decided improvement was noticeable in the matter of inspection and maintenance of spark-arresters and ash-pans. Repair and inspection staffs have been increased and daily inspection is made.

The Delaware and Hudson Company and The New York Central and Hudson River Railroad Company have been experimenting this past year with many devices designed to eliminate dangerous spark throwing. I personally have watched tests with a number of these devices; most of them did not show any improvement over present devices when maintained in a good condition.

No serious fires have occurred this year along the lines of railroads running through the Adirondack Forest Preserve. Table H shows that 93 fires have been reported by the railroads to this Commission; 71 fires are reported as being started from locomotives, and 22 fires are reported as being started from miscellaneous causes.

The railroad companies have maintained a systematic fire patrol and this, supplemented by the state patrol, the better condition of locomotives, and better weather conditions than existed in 1908, has resulted in reducing the number of fires occurring to a minimum and the elimination of large and expensive fires.

Relative to Forest Fires.

This is a matter which required considerable time to properly supervise and the time which has been given to this work has been at the expense of general equipment inspection. In 1910 the work of inspection will have to be started by March 1st in order to have locomotives which are to be used at night certified to by April 1, 1910. I believe it will be necessary in 1910 to make constant inspection in order to have coal burning locomotives main-

tained in a proper and safe condition for use at night in the Adirondack Forest Preserve. On practically all railroads outside of the Adirondack Forest Preserve gross carelessness is noted in the matter of maintenance of spark-arresters and ash-pans, and it seems to me that the railroads should give reasonable care to these devices. The farmer is surely entitled to as much protection in this respect as the lumberman.

INVESTIGATION OF ACCIDENTS.

Field investigation has been made of 45 accidents; correspondence investigation has been made of 40 accidents; 43 days, or 14 per cent of my time, have been given to this work. Recommendations with a view of prevention of accidents of a similar nature have been made after 15 investigations.

The following are the causes of the accidents investigated: air brakes, 3; ash-pans dropping to track, 1; axles broken, 11; arch-bars broken, 3; brake beams and rigging broken, 9; collisions, 4; column bolts broken, 1; derailment, tank creeping, 1; draft rigging, 1; grate levers, 1; reckless running, 1; rods broken, locomotive, 3; rail broken, 1; tank frames broken, 2; tires loose, 7; wheels, failures, 28; wheels, loose on axle, 3; wheels, worn flanges, 5.

The accidents investigated, with the exception of 6, were accidents directly due to failures of equipment. Fully 50 per cent of the accidents investigated could have been avoided by more rigid inspection and a better standard of repairs.

The failures of castiron tank wheels caused 28, or 33 per cent of all accidents investigated. These wheels were in many instances apparently perfect, no sure indication existing of any defect. The failure of castiron wheels in apparent good condition is a question which is receiving the attention of the leading wheel manufacturers and the Master Car Builders Association. The importance of the question is realized, and some definite action will have to be taken soon by the leading railroads either in the matter of improved design or changing the material from castiron to steel-tired or rolled steel wheels for heavy equipment.

Recommendations have been made as to the maintenance of truck wheel flanges to the prescribed Master Car Builders' standard; the maintenance of safety appliances in accordance with the safety appliance act; the elimination of patched cast steel truck frames from passenger service; the systematic inspection of connecting rods and crank pins on locomotives.

Relative to Investigation of Accidents and Accident Reports.

To properly keep informed on matters of this nature the inspector making an investigation, and making a recommendation, should have his time so arranged that he could re-visit the locality covered in investigation within 60 days to ascertain if recommendation made has been complied with. The present regulations governing the reporting of railroad accidents require revision. A number of the rules are not sufficiently definite, and result in a misunderstanding and misleading reports by the railroad company. Additional information should be required in mail reports from railroad company, and would avoid much unnecessary correspondence on the part of both railroad company and the Commission.

PASSENGER TRAIN DELAY AND ENGINE FAILURE REPORTS.

I was employed 39 days, or 12.8 per cent of my time, compiling data, reports, attending to correspondence, and making field investigations relative to train service and engine failures.

Passenger Train Delay Reports.

The first report of passenger train delays was filed for the month of April, 1908. Reports have been received from all important railroads and published in the form of a train delay bulletin, for 18 months. Analysis of the reported causes of delays for the current 12 months indicates that the principal causes of delays were as follows: Engine failures caused 7.8 per cent of delays; wrecks caused 6.5 per cent of delays; unfavorable track conditions caused

2.8 per cent of delays; waiting for trains from other divisions caused 27.6 per cent of delays; waiting for trains from other railroads caused 13.2 per cent of delays; train work at stations caused 16.4 per cent.

Observations as to Passenger Train Delay Reports.

The present form of report should be revised so as to be more useful and reliable. At present there is no satisfactory method of checking returns except by comparing original train dispatchers' records. This has been done when the data compiled on train movement reports appeared to be irregular and the results warranted a further inspection of the train dispatchers' records on other divisions. The testimony seems to be for the railroads to improve conditions. Valuable suggestions have been made from time to time by railroad officials relative to the reported results. The train delay bulletin shows that some railroads have made a marked improvement in the regularity of train service within the past 18 months.

Relative to Train Delay Reports.

It is now possible to make a satisfactory comparison of train movement reports which are now being filed with corresponding months and seasons when traffic and weather conditions are of the same general character. A revised passenger train delay report is now being designed; this report will embody suggestions made by the operating officials in the past year. A column will be added noting the trains making running time or better over a division, even though they may arrive at the division terminal late; this will give the division officials of a railroad proper credit for their efforts. A column will be added showing the dates on which a train was late; this will make the report more reliable and will enable a check to be made at once when a complaint is made regarding a particular date without resorting to correspondence and the incident delay before information is obtainable.

The delay reports and bulletins can be made more valuable by checking, and considerable assistance can be rendered by the traveling employees of the Commission by the use of the train movement memorandum which was suggested under date of November 17, 1909. The train movement reports should be more thoroughly analyzed, and when conditions seem to warrant, dispatchers' train sheets should be checked. There is also a large amount of correspondence relative to train delays which should be intelligently conducted by some one familiar with train service. I have been unable to devote any large portion of my time to this work on account of other duties. The clerk who compiles the data relative to trains movement reports has his entire time occupied with this work and attending to the incidental correspondence relative to same. I believe a man should be appointed to assist in the train service work of the Commission; this man to be a person of engineering experience who could attend to other investigations, such as passenger car conditions, safety appliances, air brakes, station inspection, and other important operating matters which should receive attention.

Many of the large railroads file their train movement reports within 15 days. I have recommended in a separate communication that an order be issued requiring all railroads to file their reports within 15 days after the end of the month; this will enable us to have the train delay bulletin ready to issue within 30 days after the end of the month for which report is made.

Engine Failure Reports.

The first report of engine failures was filed for the month of January, 1908. Reports have been received from all important railroads for 22 months. Analysis of these reports for the current 12 months indicates that low steam pressure caused 13.5 per cent of all failures; leaking steam connections caused 29.1 per cent of all failures; broken machinery caused 22.5 per cent of all failures.

Observations as to Engine Failure Reports.

The present form of report is satisfactory and requires little if any revision. With the making of compulsory reports the matter of engine failures is kept

constantly in mind; officials have information in a concise and comparative form, and as a result an effort is being made to eliminate unnecessary failures and the resulting delay to patrons; the mechanical superintendent endeavors to locate individual responsibility; engine failures are investigated, and when the cause is ascertained an improvement is effected. Mechanical department officials have made a strenous effort this past year to eliminate a large percentage of engine failures. This effort has been made in many instances under adverse conditions where rigid economy was being forced by the management in shops and engine houses.

Relative to Engine Failure Reports.

It is now possible to make a satisfactory comparison of engine failure reports with corresponding periods under practically the same traffic and weather conditions. I believe engine failure bulletins should be published at least quarterly; publicity seems to have a wholesome effect in matters of this nature; engine failures and the inspection of equipment lap each other, and I believe are matters which require more thorough supervision.

The present staff of this Commission is inadequate for this purpose and should be materially increased to get the best results.

RECOMMENDATIONS AND SUGGESTIONS FOR THE WORK OF THE ENSUING YEAR.

Suggestions, Equipment Inspection.

1. To make inspection effective, all locomotive equipment and terminals should be inspected at least once each year.

2. The inspection staff should be of sufficient size so that it would be possible for an inspector to return to the railroad within 60 days after general inspection to ascertain if recommendations had been complied with.

3. This winter, with increasing business and a shortage of power, there will be a tendency to neglect running repairs on account of lack of time; the most serious condition will arise from escaping steam obscuring the view of the enginemen. This condition will require the services of competent inspectors whose duties would consist entirely of riding locomotives and making inspection of locomotives at terminals of railroads which are known to be careless in this respect.

Recommendations, Equipment Inspection.

1. At least two mechanical inspectors should be appointed at an early date; these inspectors should be men with practical knowledge of locomotive operation and maintenance; they should be employed as nearly as possible in field work in localities where locomotives are known to be in defective condition generally.

2. Inspectors of equipment should have authority to order equipment taken from service when same is in such defective condition as to make it unsafe to operate.

Suggestions, Accident Investigations.

1. In order to make recommendations more effective the accident inspector should have his time so arranged that he could re-visit the locality covered by accident investigation within 60 days to ascertain if recommendations made had been complied with.

2. The present regulations governing the reporting of accidents should be thoroughly revised. I believe this can be efficiently done by the appointment of a committee of the inspectors to take this matter under systematic consideration.

Recommendations, Passenger Train Delay and Engine Failure Reports.

1. That the railroad companies be required to file the train movement reports with this Commission within 15 days after the end of the month: this will enable the Commission to issue the train delay bulletin within 30 days after the end of the month for which report is filed.

2. That train dispatchers' sheets on all railroads be occasionally checked and compared with train movement reports filed with the Commission to ascertain if reports are correctly made.

3. That an engine failure bulletin be published at least quarterly.

4. That a person be appointed to thoroughly analyze train movement and engine failure reports and to make inspections of train dispatchers, records and train service. This person to be preferably a man of engineering experience who could assist the supervisor of equipment on special investigations and the work incident to equipment and other special inspections. If the train service records are to be of value they must be more thoroughly checked and analyzed.

Subjects Which Should Receive Attention During the Ensuing Year.

Safety Appliances: The maintenance of safety appliances and the providing of additional safeguards should be made a subject for special investigation:

1. Equipping of all passenger cars and locomotives with properly designed safety chains;
2. Proper clearance between ends of freight cars;
3. Equipping of passenger cars with fire extinguishers;
4. Minimum height to which sash in passenger cars should be raised;
5. Safety chains between tender and locomotive to prevent firemen from falling from decks;
6. Condition of steps and hand-holds on locomotives;
7. Condition of spark-arresters and ash-pans on railroads running outside of the Forest Preserve limits.

Passenger Cars:

1. Methods of heating and ventilation;
2. Methods of cleaning and sanitation;
3. Methods of lighting;
4. Cleanliness of drinking water tanks.

Conclusion: If the inspectors and other employees recommended are appointed, it will be possible in the year 1910 to make inspection of all locomotive equipment and terminals, the necessary inspection of passenger cars, and the analyzing and checking of train movement and engine failure reports; also the necessary inspection in connection with locomotives in the Adirondack Forest Preserve between April 15 and November 1, 1910.

Respectfully submitted,

A. BUCHANAN, JR.,
Supervisor of Equipment.

OIL BURNING LOCOMOTIVES, NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The New York Central and Hudson River Railroad Company has complied with article 5 of order in the Forest Fire case dated April 1, 1909: this order required that at least 2 locomotives be equipped with oil burning apparatus and placed in service not later than July 15th of this year. The company has equipped locomotives Nos. 2125 and 2131, both of same type and class, and they are in regular service.

On July 14th I rode New York Central oil burning locomotive No. 2125 on train No. 11 from Tupper Lake Junction to Malone. This train had 5 cars from Utica to Lake Clear Junction, and 4 cars from Lake Clear Junction to Malone. The road foreman of engines handled the oil between Lake Clear Junction and Malone and it did not seem to me that the engine was handled in good shape: the engineer used poor judgment with a light train, working the engine at a long cut-off, and the firing was considerably heavier than was necessary. For fully half the trip from Tupper Lake Junction to Malone immense amounts of heavy brown smoke trailed the train its full length; this was caused by the atomizer being forced to a greater degree than was

necessary. As I understand it, on the Southern Pacific and Santa Fe the smoke stack is constantly watched, and when ideal conditions exist as to steaming and oil consumption a light grey smoke is visible at the stack. This locomotive could be made to pop at any time, and it was no trouble whatever to maintain a maximum steam pressure.

The equipment of this locomotive consists of the Heintzelman burner and the ordinary rectangular bricks which are of a special grade. This engine has about 55 ft. of grate area in the firebox, and the same has been built up considerably with bricks, but no arch bricks are used; the engine weighs 158,000 lbs. on drivers and carries 200 lbs. steam pressure; double furnace doors are used, and these are fastened in position with a tapering key so they can be quickly moved.

The oil tanks have a capacity of 3400 gallons; they are fitted with two manholes, the covers of which are entirely loose; there is no method of fastening down. It seems to me that this is a dangerous practice, as some one at the engine house at night not familiar with oil burning locomotives is liable to raise one of these manholes by mistake, with an unprotected torch in his hand, when a serious explosion would very likely occur.

On the first trip which I have outlined, from Utica to Malone (167 miles), approximately 2081 gallons of oil were used; this is equal to 12½ gallons per train mile. From the figures received from the Southern Pacific and Santa Fe, this is excessive; it should not exceed 7 or 8 gallons per mile for the train handled. I understand that this engine on this same train would consume 10 tons of coal. If this figure is correct, on this trip 208 gallons of oil were the equivalent of 1 ton of coal; but as the trip in question was a trial trip, in which both the engineer and fireman were inexperienced, and everything taken into consideration, it can not be considered as a fair comparison.

The locomotive was noiseless, and aside from the smoke was exceptionally clean. The odor from the oil back in the cars was decidedly disagreeable, and the passengers complained to the conductor to a considerable extent.

It seems to me that there will be considerable trouble with engine No. 2125 with flues and staybolts. I was informed that when the oil burning apparatus was placed in this locomotive that the flues had already seen five months' hard service. At many places in fire tubes there are button-head rivets exposed. On roads using oil burning locomotives all rivets have heads flush, so that they are not exposed to the extreme action of the fire.

I was informed that The New York Central and Hudson River Railroad Company intend keeping very close records of oil consumption, repairs, etc., so that they will be able to make a fair comparison with the coal burning locomotives in the same service.

The New York Central and Hudson River Railroad Company has equipped temporary oil stations at Utica, Tupper Lake Junction, and Malone; these stations consist of a standard tank which has been removed from an oil tank car, and placed on a frame of sufficient height so that the oil will run to tank by gravity. The oil is pumped into these tanks from the oil tank car by an ordinary pump. At Utica there is a storage capacity for 16,000 gallons of oil, at Tupper Lake Junction 8000 gallons, and Malone 16,000 gallons.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

OIL BURNING LOCOMOTIVES, THE DELAWARE AND HUDSON COMPANY.

To the Public Service Commission, Second District:

GENTLEMEN: The Delaware and Hudson Company has complied with article 5 of order in the Forest Fire case dated April 1, 1909: this order required that at least 2 locomotives be equipped with oil burning apparatus and placed in service not later than July 15th of this year. The company equipped locomotives Nos. 60 and 549, both of which are in regular service. No. 60 is a small mogul engine, 37 ft. grate area, weighing 107,000

lbs. on drivers, and carrying 140 lbs. steam pressure. No. 549 is a 10-wheel engine, 85 ft. grate area, weighing 134,000 lbs. on drivers, and carrying 200 lbs. steam pressure.

Both locomotives are equipped with the W. H. Best American calorific oil burning device, and with arch brick. On locomotive No. 60 no trouble was experienced, the firebox being narrow and well adapted for oil burning purposes. On No. 549, with a larger grate area, great trouble is experienced in keeping the brick arch in position. On both locomotives the rivets have exposed heads, and considerable trouble will undoubtedly be experienced on this account. Both locomotives are exceptional steamers, but it appears to me that too much oil is being consumed on the road and while standing at stations, making considerable brown smoke. The fireman claimed, with the burner as applied to these two engines, that it is impossible to adjust it sufficiently fine at stations, and the result is that the locomotives are popping off constantly, causing an excessive consumption of water. With the device as applied to these locomotives there is a great deal of noise in the combustion of oil, which would give the impression that with the oil that is being used there must be considerable water in same.

Locomotive No. 60 is arranged very handy for the engineer and fireman, they both being located in the same cab, which permits the fireman to watch the engineer and adjust the oil feed as the engineer handles the locomotive. On No. 549, which is of the Culm burning type, with the engineer's cab located on the barrel of the boiler and the fireman at the back end of the boiler head, the arrangement is very unhandy; it is a difficult matter for the firemen at all times to see the engineer, and the result is considerable waste of oil when the engineer is working with a light throttle, and possible danger from a back flash when the engine is shut off suddenly without the fireman's knowledge. In my opinion the Culm burning type of locomotive is not at all adapted for oil burning and should not be considered in connection with same. The firebox is entirely too large and the cost of repairs will certainly be excessive, and will be largely increased over the cost of firebox repairs when coal is used. With an engine of type No. 549 for oil burning, a firebox not to exceed 30-ft. grate area would be sufficient for maximum conditions. Again, the Culm burning type is decidedly inconvenient and possibly dangerous for the fireman on account of the engineer and fireman not being in close communication.

The Delaware and Hudson Company has given more thought to fitting up their oil tanks than the New York Central; their oil tanks are an exceptional job, and are fitted with caps on the manholes with ground joints and clamped in position so that the same can not be opened accidentally.

The tank on No. 549 holds 2400 gallons of oil. On the trial trip from Green Island to Albany, Albany to Rouses Point, and return to Plattsburgh, a total of 224 miles, 2000 gallons of oil were used. This is equivalent to about 9 gallons per mile, which is a better showing than the New York Central made with their trial trip, and which is nearer to the figures which the Santa Fe and Southern Pacific people claim as about the average for their roads. It is supposed that when everybody becomes thoroughly accustomed with the oil burning locomotives that an average consumption per train mile in passenger service will not exceed 6 or 7 gallons.

The Delaware and Hudson Company has not placed any permanent oil stations, but instead has pumps located at Green Island, Plattsburgh, and Lake Placid, and pump direct from the tank car to the locomotive tank. With these pumps it takes about 40 minutes to handle 2400 gallons of oil. This arrangement is inexpensive and seems to meet all requirements.

Locomotive No. 549, however, should not be taken after all tests are finished as a fair comparison as to cost of oil burning.

Locomotive No. 60 has a reasonable size firebox for oil burning and should be taken as the basis of comparison between oil burning and coal burning. No. 60 is running on a way freight between Lake Placid and Lyon Mountain, and the railroad between these two points is of the usual Adirondack type.

It seems to me that this railroad, to have made a perfectly fair comparison as to the increased cost of boiler work, should have started the locomo-

tives out with new tubes and with all exposed rivet heads removed and made flush in place of the usual type of construction used with coal burning locomotives.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF SPARK-ARRESTERS AND ASH-PANS OF LOCOMOTIVES OPERATED WITHIN THE LIMITS OF THE ADIRONDACK FOREST PRESERVE.

To the Public Service Commission, Second District:

GENTLEMEN: In accordance with your instructions, a detailed inspection has been made of the spark-arresters and ash-pans of all locomotives which are to be operated by the several railroads running within the Adirondack Forest Preserve, beginning June 1 and ending November 1, 1909. The systematic inspection was started May 3rd and finished June 9th. I was assisted in the inspection of the locomotives operated by The Delaware and Hudson Company by Mr. Geo. Mack, mechanical engineer of the Commission.

The requirements of inspection were, for spark-arrester: maximum mesh of netting 2½x2½ meshes per inch; wire No. 10 B. W. G.; no holes permitted in netting around baffle plates, diaphragm, table, or at joints to side sheets, flue sheets, front end ring, or around steam pipes, exhaust pipes, blower and air pump exhaust pipes, larger than ⅜x⅜ in.; all patches to be securely fastened with a sufficient number of bolts or rivets; manhole door to be well fitted and securely fastened against main plate or netting.

For ash-pan, injector overflow pipes to be connected with ash-pan; all openings in ash-pan to be screened or guarded so that no cinders can drop from firebox or ash-pan to right of way; where hopper ash-pans are used, the operating lever is to be locked when slides are closed; where box pans are used with back and front dampers, locks are to be placed on bottom of ash-pans so dampers can be closed and fastened securely; front damper to be closed running in forward motion; back damper to be closed running in back motion.

The condition of ash-pans and spark-arresters was in many instances unsatisfactory. On locomotives operated by the Brooklyn Cooperage Company and the Rich Lumber Company the condition was generally good. The unsatisfactory condition of spark-arresters and ash-pans on locomotives operated by the New York Central lines and The Delaware and Hudson Company was surprising, after the agitation of the past six months regarding forest fires, oil burning locomotives, etc. The following is a summary of conditions noted at first inspection:

Brooklyn Cooperage Company: Operates 2 standard gauge climax geared locomotives, and on account of using the tracks of the New York and Ottawa Railroad Company comes under the supervision of this Commission. The ash-pans of both locomotives were in good condition throughout. The spark-arrester on No. 1 was in good condition throughout; locomotive No. 2 had a 1½x2 in. hole in netting around air pump exhaust and blower pipe. Proper repairs were made to all defects, and after re-inspection certificates were issued.

Cranberry Lake Railroad: Operates one standard gauge consolidation locomotive. The conditions throughout were good and certificate was issued.

The Delaware and Hudson Company, Chateaugay Branch: 20 locomotives inspected: 9 with narrow firebox on top of frame, and 11 with wide firebox over driving wheels; 17 were defective in ash-pans: the defects noted consisted of grate connection holes without screens or guards; sheets of body of pan rusted through; ash-pan slides warped and open; ash-pans away from foundation ring on front end, leaving opening 3 in. wide full width of pan; openings at back of ash-pan 8 in. wide full width of pan; holes at corners of foundation ring 4x4 in. 11 were defective in spark-arresters: the defects noted consisted of holes in angle iron at flue sheet, in netting back of steam pipes, around exhaust pipes and blower pipes, and poorly fitted at manholes, side sheets, etc.; holes varied in size from ½x2 in. to ¾x5 in.; 6

defects were noted at blower pipes; 8 at steam pipes; and 3 at exhaust pipes. Proper repairs were made to all defects after some delay, and after re-inspection certificates were issued.

The Chateaugay Iron and Ore Company of The Delaware and Hudson Company: 3 locomotives inspected, all narrow gauge with fireboxes set between frames. Ash-pans of box type, and all were in general bad condition and required heavy repairs and renewals. All spark-arresters were defective in some particular, having badly worn netting, or holes back of steam pipes, at exhaust pipes, or around blower pipes. Proper repairs were made to all defects after considerable delay, and after re-inspection certificates were issued.

New York Central, Adirondack Division: 53 locomotives inspected: 45 with narrow firebox on top of frames, and 8 with wide firebox over driving wheels; 11 were defective in ash-pans: the defects noted consisted of holes in ash-pan, in one instance as large as 4x4 in.; no guards around grate connection openings; hopper slides improperly adjusted so that same were open, in one instance 1¼ in. full width of hopper; hopper slides warped so same could not be closed, and in one instance no bracket or lock to hold hopper slide operating lever in position. 18 were defective in spark-arresters: the defects consisted of holes around steam, exhaust and blower pipes, and at side sheets; holes varied in size from ½x1 in. to 1x4 in.; 15 defects were noted at blower pipes; 6 at steam pipes; 2 at exhaust pipes. Proper repairs were made to all defects, and after re-inspection certificates were issued for all locomotives inspected.

New York Central, Carthage and Adirondack Branch: 7 locomotives inspected, all of the narrow firebox type, firebox on top of frames; 7 were defective in ash-pans: 1 locomotive, which was finally withdrawn from this service, had a castiron hopper ash-pan which was badly broken and had large openings in pan at several places; inspection indicated that a new ash-pan was required before engine would be safe; 6 locomotives had grate connections through back of pan with opening around same through which large live cinders dropped each time grates were moved; these grate connections required boxing in. 2 locomotives were defective in spark-arresters: defects consisted of holes around steam pipes and blower pipes. At second inspection, proper repairs had been made of all defects and certificates were issued for 6 locomotives.

New York Central, New York and Ottawa Railroad: 10 locomotives inspected: 6 with narrow fireboxes between frames, and 4 with narrow fireboxes on top of frames; 8 were defective in ash-pans: the defects noted consisted of holes in ash-pan; pans badly fitted at connections; dampers badly fitted and unprotected, with no means for fastening in closed position; grate connection holes unprotected; 4 were in such poor condition that new ash-pans are required. 5 were defective in spark-arresters: the defects noted consisted of holes at steam, exhaust, and blower pipes; manhole doors poorly fitted and angle irons at side sheets poorly fitted; holes varied in size from ½x1½ in. to ½x4 in. At first inspection, certificates were issued for 2 locomotives. At second inspection it was found that repairs had not been made to defects noted in first inspection. Necessary repairs were finally made, and after a third inspection certificates were issued for all locomotives inspected.

Paul Smith's Electric Light and Power and Railroad Company: This railroad is operated electrically, and in a case of emergency a steam locomotive is used. This locomotive was last used in August, 1908. Overflow pipes were not connected with ash-pan; front damper had opening at the top 1½x34 in.; back damper had an opening around grate connection 4x6 in.; no arrangement for fastening damper in closed position. Repairs suggested have not been made and no certificate has been issued.

Rich Lumber Company: Operates 2 Shay geared locomotives; the ash-pans of both locomotives were in good condition throughout; the spark-arrester of No. 4 was in good condition; No. 6 had a hole in netting around air pump exhaust ½ in. Proper repairs were made to all defects, and after another inspection certificates were issued.

Observations as to Thoroughness of Shop and Engine House Repairs and Inspection.

The Brooklyn Cooperage Company: Good; the 2 locomotives are under the supervision of an exceptional mechanic, who makes daily inspection for defects and same are promptly and efficiently repaired. Mr. H. Morris, the superintendent, states that the company has as much at stake as any interest and can not afford to have fires, and that they are willing and expect to take every precaution to prevent same regardless of cost.

Cranberry Lake Railroad and Rich Lumber Company: Good; the 3 locomotives are under the supervision of a good mechanic, who makes daily inspection for defects and same are promptly and properly repaired. Mr. Rich, the trainmaster, states that the company can not afford to have fires and that they take every precaution to prevent same. This company has a well equipped fire train.

The Delaware and Hudson Company, Chateaugay Branch and Chateaugay Iron and Ore Co.: Bad; May 24th inspection was started at Plattsburgh by the engineer of this Commission; at that time apparently no effort had been made to remedy defects in or improve condition of ash-pans; on locomotives recently out of shop after heavy repairs, inexcusable defects were noted. The work of improving spark-arresters seems to have been confined entirely to the improved design of smoke stack with which 6 or 7 locomotives are equipped. Serious defects were noted in front ends. It was necessary for your engineer to spend nearly three weeks on the Delaware and Hudson before spark-arresters and ash-pans were placed in a sufficiently good condition to warrant the issuing of certificates. The master mechanic of The Delaware and Hudson Company gave as an excuse for the poor condition of ash-pans and spark-arresters that they did not know what the Commission required. It is my opinion that this road will require close supervision during the dry season.

New York Central, Adirondack Division: Fair; this division has been partially placed under the supervision of a division master mechanic. The heavy engine house repairs are cared for at the Mohawk division engine house located at Utica. In my opinion there is insufficient staff at Tupper Lake Junction and Malone engine houses to make proper inspections and proper repairs promptly. No night inspectors were located at either station, the day staff being depended upon for all inspections. The master mechanic informed me that he had requested night inspectors for both stations and that his request had not been granted. The general mechanical condition of the Mohawk and Malone engines was good. Practically all locomotives have had general or heavy repairs at the West Albany general repair shop within four months. A considerable number of locomotives were inspected on this division within a few days after they were turned out of shop, and were found to be in defective condition, either in spark-arrester or ash-pan; 6 locomotives were inspected at West Albany shop after repairs were completed and before going into service, and 3 were found to be defective. This indicates to me insufficient care in making repairs at the general repair shop, and also makes it a difficult matter for the division engine house to properly maintain spark-arresters and ash-pans when same are not delivered to them in good condition. I found considerable to criticise in the method of patching around steam, exhaust, and blower pipes; frequently patches of less thickness than No. 20 iron improperly fastened, particularly around blower pipes; slotted patches made of planished iron with one bolt for fastening; many defects were found back of steam pipes; this place apparently was not receiving near the attention it warranted from shop foremen and inspectors.

New York Central, Carthage and Adirondack Branch: Bad; one would think that this was not a part of the New York Central system, inasmuch as the standards in use on the spark-arresters and ash-pans of the Mohawk and Malone were not observed; on this branch all locomotives were found to be defective. The inspection of locomotives at Watertown is good; at Carthage it appears to be bad, and repairs are not promptly made.

New York Central, New York and Ottawa Railroad: Bad; I was informed that no instructions had been received from the New York Central general

offices as to spark-arresters or ash-pans. At first inspection 9 locomotives were in bad condition; it was necessary on a number of locomotives to make three inspections before repairs were made to warrant issuing certificates. At first inspection practically nothing had been done to improve conditions aside from piping injector overflows to ash-pans. I was informed at first inspection, by the general foreman, that engines were in good condition, and found 9 engines bad. Mr. Gays, general manager, advised prior to the second inspection that all defects had been repaired; I found at inspection that this statement was not correct; was accompanied by the master mechanic and repairs were attended to; 4 locomotives had ash-pans in such poor condition that new ash-pans were ordered. It is my opinion that this railroad will require close supervision during the dry season.

Paul Smith's Electric Light and Power and Railroad Company: Bad; 1 locomotive is operated, in emergency; it was last in service in August, 1908. Inspection showed same to be in exceptionally bad condition. I was informed that repairs would be made and a second inspection requested.

Observations as to Improvements in Design and Workmanship and Inspections Which Should be Made by Railroad Companies.

Spark-arresters: In fitting netting around steam, exhaust, and blower pipes, the present method is to cut hole in netting a trifle small and hammer in position around pipes; where a poor fit occurs, another piece of netting or a light piece of iron, improperly fastened, is generally used for a patch; the result is loose strands of wire, and eventually a hole at these locations. I believe that in place of this temporary, unmechanical method, permanent flanges of plate iron or steel at least 3/16 in. thick should be used; these flanges should be made at least 2 in. wide in two sections; in order to make a neat fit around pipes they should be of sufficient length so as to lap at joints and allow for bolting; these flanges should be placed top and bottom of netting and bolted or riveted to same. This would entirely prevent loose strands and holes in netting at these locations, and would make a perfect fit at the locations which are now neglected or at best a poor and temporary fit. At side of extension front a well fitted liner at least 3/16 in. thick and 2 in. wide should be fitted over netting and bolted through to angle iron. This to avoid loose strands in netting. The manhole door in many instances is a cheap, light, temporary affair; usually a piece of netting lapping the opening 2 in., with four pieces of iron $\frac{1}{4} \times 1\frac{1}{2}$ in. bolted to netting as a frame. This loose frame permits strands of wire to become loose and netting distorted. The same is true of the manhole opening in main piece of netting. I believe this door should be made of a solid welded frame $\frac{1}{4} \times 1\frac{1}{2}$ in., with a frame placed top and bottom of netting and riveted together in order to hold netting firmly and to prevent loose strands of wire.

Ash-pans: A number of instances of ash-pans have been noted where in making connections between various sections of ash-pans the laps have been placed on outside; and with a tendency to warp, the openings are on the outside of pans. If these laps were reversed, when warping occurred the opening would be into hopper; and while the pan might be in poor condition at some particular connection, the cinders would still drop into hopper. There is a tendency to use light material for patching; this warps quickly, and in a short time becomes in bad condition. The most serious defects were noted at corners of foundation ring; this is a difficult place to fit an ash-pan satisfactorily. It seems to me that deflectors could be fastened to foundation ring independent of ash-pan, which would protect all openings at this location more satisfactorily than the present method of adjusting patches in these openings.

Injectors, Overflow Pipes: With some makes of injectors the present method of connecting overflow pipes up solid to injector is liable to mislead an engineer as to water levels. As some injectors will break without the engineer's knowledge, unless the overflow is visible, I believe the overflow should be connected with a funnel at top of pipe above running board, leaving same visible to engineer at all times.

Conclusion: About 43 per cent of locomotives inspected were defective in some particular. This condition existed after six months' agitation in the matter of oil burning locomotives, and the promise of the New York Central lines and The Delaware and Hudson Company to eliminate any imperfections in their coal burning locomotives if they were permitted to use coal burning locomotives this year. The New York Central and Hudson River Railroad Company on its Adirondack division has spent a considerable amount of money, and has undoubtedly improved considerably the condition of previous years. Their locomotives, however, were not in the good condition that was promised. On The Delaware and Hudson Company, practically nothing aside from an improved smoke stack has been attempted in the way of improved condition of spark-arresters and ash-pans prior to inspection, over conditions of last year.

After spending five weeks inspecting each locomotive personally, visiting all the engine houses and meeting all the foremen and inspectors, both night and day, on all railroads, and calling their attention personally to all defects noted, not one of which was disputed, I feel that they do not realize at the present time the importance of thorough inspection and good work in these particulars. The matter has been so much neglected in the past that it will require extraordinary effort on the part of the higher railroad officials to make exceptional improvements.

The present method of inspection is too casual. Fires are not always dumped and front end doors removed. The matter of inspection is left to inferior subordinates many times, and foremen do not themselves occasionally get inside of front ends and make a close inspection. When inspectors find defects, I believe they at times neglect to report same, as the making of repairs in a hot front end is decidedly disagreeable. If conditions are exceptionally improved, some one besides a boiler maker will have to frequently make check inspections, and drastic discipline will have to be exercised.

Respectfully submitted,

A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVE, PASSENGER CAR, AND REPAIR FACILITIES ON ADIRONDACK AND ST. LAWRENCE RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a report of inspection of locomotive and passenger car equipment and repair facilities of the Adirondack and St. Lawrence railroad:

Inspection October 12, 1909, at DeKalb Junction and Hermon.

The locomotive equipment consists of one mogul locomotive No. 2, in good general condition; was built in January, 1909, at the Baldwin Locomotive Works; no defects were noted; equipped with air brakes; boiler steam pressure 170 lbs. per square inch; cylinders 18-in. diameter, 24-in. stroke; weight in working order about 65 tons; presents a clean and attractive appearance and running repairs are apparently properly made.

The passenger car equipment consists of one combination baggage, smoking, and passenger compartment car in fair general condition; car is heated with Spear stove in passenger compartment properly fastened in position, and all doors and other openings properly guarded; caboose stove in baggage compartment improperly fastened in position and is not safe; is fastened to floor of car with light screws from base, and it should be fastened from top of stove to floor with bolts or rods in addition to the present base fastening; light is furnished with single-font oil lamps in fair condition: 1 in baggage compartment, 1 in smoking compartment, and 2 in passenger compartment.

Car is equipped with leather covered low back reversible seats, with seating capacity of 14 in smoking compartment and 22 in passenger compartment. Emergency tools are in good condition and properly located. Lavatory is in good condition and clean. Interior of car is generally clean but dingy on account of paint and varnish being old and deteriorated. Car is equipped with

Westinghouse air brakes and signal apparatus and steel-tired truck wheels; safety appliances, sills, platforms, and truck frames are in fair condition; paint and varnish are in bad condition. Running repairs are apparently properly made.

The repair facilities consist of a 1-stall frame engine house, in good condition, located at Stellaville, about half way between DeKalb Junction and Hermon. No turntables or wyes are used. Locomotive is equipped with pilot on both ends. Small tools are fair. Machine work is arranged for at various contract shops. Coal is shoveled from storage or cars to tender. Sand is screened and dried and delivered manually to sand-box. Fires are cleaned on roadbed and shoveled to storage. Running repairs are made by enginemen with the assistance of other employees when necessary.

Recommendation: That caboose stove in baggage compartment be properly and securely fastened from top of stove to floor; passenger car would present a more attractive appearance if paint and varnish on interior and exterior were renewed.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES AND REPAIR FACILITIES ON BUFFALO CREEK RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives and repair facilities of the Buffalo Creek railroad:

The inspection was made November 18th and 19th, at Buffalo.

The locomotive equipment consists of 13 locomotives: Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14; also Buffalo, Rochester and Pittsburgh Railway Company's locomotive No. 200 temporarily leased.

No. 3: general condition bad; driving-wheel tires worn 3/15 in.; locomotive is now awaiting shop on account of a broken cylinder; was taken out of service on this account about November 1st, and on account of insufficient repair facilities no attempt had been made up to November 18th to make repairs.

No. 4: general condition fair; no defects noted; driving-wheel tires worn ⅛ in.

No. 5: general condition fair; driving-wheel tires worn ⅜ in.; throttle, metallic packing, steam chest joints, and flues leak; smoke-box in bad condition.

No. 6: general condition fair; driving-wheel tires in bad condition, worn ½ in.; metallic packing leaks.

No. 7: general condition good; no defects noted; driving-wheel tires worn ⅛ in.

No. 8: general condition fair; driving-wheel tires worn 3/16 in.; injector fittings and throttle leak.

No. 9: general conditions fair; driving-wheel tires worn ¼ in.; metallic packing and flues leak.

No. 10: general condition good; driving-wheel tires worn ⅛ in.; metallic packing, whistle joints, and gauge cocks leak; bad pound in back end of main rods.

No. 11: general condition bad; driving-wheel tires worn ½ in.; throttle, metallic packing, steam chest joints, boiler checks, cab cocks, and flues leak; smoke-box in bad condition.

No. 12: general condition bad; driving-wheel tires worn ½ in.; metallic packing leaks.

No. 13: general condition good; driving-wheel tires worn ⅛ in.; metallic packing, whistle joints, and flues leak.

No. 14: general condition fair; driving-wheel tires worn 3/16 in.; now in shop receiving boiler repairs.

B., R. & P. No. 200: general condition fair; driving-wheel tires worn 3/16 in.; metallic packing leaks.

The repair facilities are located at Buffalo, and consist of a 7-stall engine house of brick and concrete construction, heated with Buffalo Forge hot air system and lighted with electric lights; ventilation and drainage are good; at end of engine house boiler and fan room is located. Provision has also been made for a machine shop but no machine tools are operated at the present time. Engine house is equipped with a good driving-wheel drop pit and a manually operated crane and circular runway. Small tool equipment is good. A good supply of duplicate parts for running and emergency repairs are kept in stock. Oil and small supplies are stored in a detached building of brick and concrete construction. Coal is handled by a Morse-Fairbanks mechanical conveyor and storage plant; power for same is furnished by a Morse-Fairbanks gasoline engine; upper pocket has 150 tons capacity, and storage pocket 150 tons capacity; equipped with an automatic weighing chute. Sand is handled at end of coal plant, and is elevated to storage bin by mechanical conveyor and then by gravity to locomotive; sand house is equipped with steam sand drier. Fires are cleaned on roadbed and cinders are used for filling-in purposes at terminal.

No turntables or wyes are necessary as the business of this railroad is entirely of a switching nature.

The buildings at this terminal are of modern construction and design and in good condition. The facilities for handling locomotives aside from repairs are of modern construction and design and in good condition. The repair facilities are crude and inadequate to care for the emergency or running repairs of 12 locomotives promptly and properly. At the present time it is necessary to have all machine work attended to at contract, or the Erie or Lehigh Valley railroad shops, and I am reliably informed that the delays occurring on the lightest kind of repairs requiring machine work is 300 per cent. General repairs are made at the Dunkirk plant of the American Locomotive Company. The locomotives are clean and present an attractive appearance. The condition of all safety appliances and air brakes was good.

Recommendations: In order to make prompt and proper repairs to locomotives, machine tools should be installed and the repair staff should be increased. I believe the following to be necessary: 1 engine lathe, 1 shaper, 1 drilling machine; 1 machinist, 1 blacksmith, 1 general helper. In the absence of machine tools or increased staff, arrangements should be made at once to have running repairs made promptly at the Buffalo shops of the lessee companies, Erie and Lehigh Valley railroads.

Respectfully submitted,

A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON GLENFIELD AND WESTERN RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the Glenfield and Western Railroad Company:

Inspection was made August 25, 1909.

The locomotive equipment consists of 3 locomotives: Nos. 22, 70, and 75; all equipped with metal brake beams and castiron truck wheels.

No. 22: Heisler geared type; general condition good, with the exception noted; flues and tires are new and general repairs were given in March, 1909; air brakes are in excellent condition; safety appliances are in good condition, with the exception of back end coupler operating lever which is missing; this defect should be remedied at once; locomotive has not been used to exceed two weeks since receiving general repairs; boiler steam pressure 145 lbs.

No. 70: Consolidation type; general condition fair, with the exception noted; firebox and boiler are old; flues and tires are good; air brakes are in excellent condition; safety appliances are in good condition; front engine

truck wheel has an exceptionally sharp flange, not over 5/8 in. thick; this wheel makes operation dangerous, and should be removed at once; locomotive has not been used to exceed two weeks in six months; boiler steam pressure 135 lbs.

No. 75: Mogul type, and in excellent general condition; built in July, 1909, at the Schenectady plant of the American Locomotive Company, and has been in service about one month; the equipment and appliances are modern throughout; boiler steam pressure 175 lbs.

The passenger car equipment consists of one combination passenger and baggage compartment car, No. 100; seating capacity 30 passengers; the general condition of car is good, with the exceptions noted. Paint and varnish, brakes, safety appliances, draft timbers and couplers are in good condition; buffer plate on passenger compartment platform is badly bent; first wheel on baggage compartment of car has sharp flange, and same should be removed soon; equipped with steel-tired wheels and metal brake beam. Car is heated with Baker heater, in good condition and properly fastened and guarded; light is furnished with 3 double-font oil lamps, in fair condition; lavatory is in good condition; car is equipped with blinds, hat racks, and plush covered reversible seats; drinking water is furnished and tank is in clean condition; car is clean and freshly painted and varnished. Car is not equipped with emergency tools; a suitable set should be procured at once and located in a conspicuous position in passenger compartment; baggage compartment is in good condition for the purpose used; car is generally clean and comfortable.

The repair facilities consist of a 2-stall frame engine house with addition for shop purposes, all in fair general condition, located at Glenfield. Building is equipped with electric lights. Water for washing out boilers is obtained from a gravity supply, and about 50-lbs. pressure is obtained; on account of the poor quality of the water thus obtained for locomotive use, arrangements are being made to connect with the town of Glenfield supply, when a higher pressure will be obtained. Coal is shoveled from covered platform to tender. Sand is handled in buckets from sand storage to sandbox. Locomotives are turned on wyes located at Glenfield and Paigeville. Small tools are in fair condition and in sufficient quantity for the work to be handled. A good stock of emergency repair parts are on hand. No machine tools are owned by the company, but a satisfactory arrangement has been made with a local machine shop for all machine work. Heavy running repairs are made. All general repairs are attended to at contract shops. The repair staff consists of one machinist and two helpers and the assistance of engine crews when necessary.

Recommendations: That locomotive No. 22 be equipped at once with coupler operating lever on back end coupler; that defective engine truck wheels under locomotive No. 70 be removed at once; that defective truck wheel under baggage compartment of car be removed within 30 days; that proper emergency tools in a suitable box be located in a conspicuous place in passenger compartment of car within 30 days.

I was accompanied throughout the inspection by Mr. James Acker, superintendent, who informed me that all defects noted would receive prompt attention.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON JAMESTOWN, CHAUTAUQUA AND LAKE ERIE RAILWAY.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the Jamestown, Chautauqua and Lake Erie Railway Company:

Inspection November 9 and 10, 1909, at Jamestown.

The locomotive equipment consists of 5 locomotives: Nos. 4, 5, 9, 10, and 11.

No. 4: American type; general condition fair, with the following exceptions: metallic packing, steam chest joints, cylinder head joints, and cylinder cocks leak; tender trucks are in poor condition; bolts loose and nuts are missing in several places; covers gone from 3 journal boxes; smoke-box in poor condition, front end being burnt.

No. 5: American type; general condition good, with the following exceptions: foundation ring and steam chest joints leak; tender trucks in poor condition, sharp flange on right back tender truck wheel; columns broken on front tender truck; no grab-irons on corners of tank; ash-pan in bad condition.

No. 9: 10-wheel type; in shop for heavy repairs, including tire turning and the complete renewal of tubes.

No. 10: 10-wheel type; fair condition, with the exceptions noted: driving-wheel tires are worn ⅜ in.; oil cups are gone from parallel rods and piston rods; back cylinder casings are gone; smoke-box in poor condition, front end being burnt; ash-pan in bad condition.

No. 11: 10-wheel type; general condition is bad, and should receive heavy repairs at an early date: driving-wheel tires are worn 7/16 in.; machinery in general bad condition; smoke-box in poor condition, front end being burnt; ash-pan in bad condition. I was informed that this locomotive would be taken out of service and placed in shop for heavy repairs within four or five weeks.

The passenger car equipment consists of 2 combination mail, baggage, and passenger compartment cars, and 4 coaches. This equipment is in good general condition with the exceptions noted.

Combination car No. 15: general condition fair; no defects noted on exterior; air brakes, safety appliances, sills, platforms, and trucks in good condition; seating capacity 28 passengers; car equipped with leather covered reversible seats; light furnished with 1 two-font and 2 single-font oil lamps; lavatory clean and sanitary; drinking water tank clean; emergency tools in good condition and conspicuously located; car heated with steam; baggage and mail compartments in good condition; car generally clean and comfortable.

Combination car No. 17: general condition fair; no defects noted on exterior; air brakes, safety appliances, sills, platforms, and trucks in good condition; seating capacity 16 passengers; car equipped with leather covered non-reversible seats; light furnished with 1 two-font oil lamp; no lavatory or drinking water tank; car not equipped with emergency tools; car heated with steam; baggage and mail compartments in fair condition; car generally clean.

Coach No. 16: general condition good; no defects noted on exterior; air brakes, safety appliances, sills, platforms, and trucks in good condition; seating capacity 62 passengers; car equipped with leather covered reversible seats; light furnished with 3 two-font oil lamps; lavatory clean and sanitary; drinking water tank clean; emergency tools in good condition and conspicuously located; car heated with steam; car generally clean and comfortable.

Coach No. 18: general condition good; no defects noted on exterior; car recently out of shop after having received general repairs and painting and varnishing; air brakes, safety appliances, sills, platforms, and trucks in good condition; seating capacity 46 passengers; car equipped with plush covered reversible seats; light furnished with 2 two-font oil lamps; car not equipped with drinking water tank, lavatory, emergency tools, or conductor's emergency brake valve; car heated with steam; car generally clean and comfortable.

Coach No. 31: general condition fair; car equipped with large hand wheels on both brake shafts and coupler shaft: the result is that going around curves and switches the wheels lap with those of the connecting car and are broken, and this car is being operated with these wheels removed; this method should be changed at once and an uncoupling lever substituted for

the wheel on the coupler shaft; air brakes, sills, platforms, and trucks in good condition; seating capacity 52 passengers; car equipped with plush covered reversible seats; light furnished with 5 two-font oil lamps; lavatory clean and sanitary; drinking water tank clean; emergency tools in good condition and conspicuously located; car heated with steam; car generally clean and comfortable.

Coach No. 33: general condition fair; car equipped with large hand wheels on both brake shafts and coupler shaft: the result is that going around curves and switches the wheels lap with those of the connecting car and are broken, and this car is being operated with these wheels removed; this method should be changed at once and an uncoupling lever substituted for the wheel on the coupler shaft; air brakes, sills, platforms, and trucks in good condition; seating capacity 44 passengers; car equipped with plush covered reversible seats; light furnished with 3 two-font lamps; lavatory clean and sanitary; drinking water tank clean; emergency tools in good condition and conspicuously located; car heated with steam; car generally clean and comfortable.

The repair facilities are located at Jamestown and consist of a 6-stall frame engine house with a shop addition at one end; this building is in fair condition; one pit is partitioned off and is used as an erecting shop. Engine house section is heated with stoves; shop section is heated with steam. Building is lighted with incandescent electric lights. Coal is shoveled from cars or platform to tender. Sand is handled in buckets from sand storage to sand-box. Fires are cleaned on a small cinder pit. No turntables are used; locomotives are turned on a wye. No machine tools are owned by the company. Satisfactory arrangements are made with contract shops for all machine work. Small tools are in good condition. A fair supply of material is kept in stock for running and emergency repairs.

Recommendations: Grab-irons should be placed on corners of tank of locomotive No. 5 at once; locomotive No. 11 is in bad condition and should be taken out of service for general repairs within 60 days; combination car No. 17 and coach No. 18 should be equipped with emergency tools, conspicuously located, within 30 days; coach No. 18 should be equipped with conductor's emergency brake valve within 30 days; coaches Nos. 31 and 33 should be equipped within 30 days with a lever for opening and closing couplers instead of the present brake wheels which are removed when cars are in service to avoid lapping brake wheels on connecting cars. The ash-pans on all locomotives are in bad condition; they have not been changed to date to comply with the Federal ash-pan law which is effective January 1, 1910, and which requires self-cleaning ash-pans. All equipment is clean. Good attention is given to inspection and maintenance of air brakes.

Respectfully submitted,

A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVE EQUIPMENT AND REPAIR FACILITIES ON LEHIGH VALLEY RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a report of a general inspection of locomotive equipment and repair facilities of the Lehigh Valley railroad:

The condition of locomotive equipment with the exception of ash-pans is generally good. On the Auburn division 23, or 60 per cent, and on the Buffalo division 43, or 35 per cent, of the ash-pans on locomotives inspected were defective. Engine house repairs and inspection receive fair attention generally at all stations. The general repair shops at Sayre, Penna., were built in 1904 and are modern. The engine houses and repair facilities at East Buffalo, Rochester, Manchester, Auburn, Cortland, and Sayre, Penna., are generally out of date, inadequate, and poorly equipped to handle properly and promptly modern power under adverse weather conditions. The engine house located at Tifft Farm on the Buffalo division was opened September 1, 1909; when fully equipped and properly organized it will be modern in all respects

and should greatly improve the handling of locomotives at the Buffalo terminal. Locomotives are kept in a clean condition and present generally an attractive appearance. The surroundings and interior of all engine houses and shops present a neat and orderly appearance. The approximate number of locomotives working in New York state is 302. The following is a detailed statement of the defects noted on the locomotives that were inspected. All locomotives inspected were either in service or available for service, except those otherwise noted.

Buffalo Division:

East Buffalo, September 22 and 23, 1909; 70 locomotives are assigned to this terminal; 40 locomotives are turned in 24 hours and receive heavy running repairs, including drop-pit work; 70 men are employed on work incident to turning and heavy running repairs.

No. 2463: good; ash-pan open at front end 4 x 20 in.

Nos. 1900: fair; 2734: fair; on drop-pit under repairs.

No. 1633: good; in engine house under repairs; ash-pan open at back end 14 x 50 in.; bottom of left front hopper badly warped.

No. 1631: fair; on drop-pit under repairs; ash-pan open back end 14 x 50 in.

No. 731: fair; foundation ring leaks; barrel of boiler leaks; cab cocks leak; whistle leaks where connected to dome; ash-pan in bad condition, open at foundation ring 1 x 50 in.; open at front end 2 x 30 in.

No. 3350: bad; machinery is in bad general condition; tires worn ⅜ in.

Nos. 711: fair; 702: good; 2670: fair; 2589: good; in engine house under repairs.

No. 1554: good; front end of ash-pan warped at connections leaving an opening 2x20 in.

No. 1689: good; extension front frame and door burnt; valve stem oil cup covers gone; ash-pan doors do not fit at foundation ring, leaving opening ¾ in. full length of ash-pan.

No. 1393: good; foundation ring leaks; plugs in side sheets leak.

No. 1390: fair; throttle leaks; valve stem metallic packing leaks; foundation ring leaks; ash-pan in bad condition, opening at front end 3 x 30 in.

Nos. 2671: good; 3338: fair; 1314: fair; 1359: fair; 3206: good; 1389: fair; 2408: good; no defects noted.

East Buffalo engine house, capacity 31 pits. Building is of brick construction, in fair condition. Three pits are used for shop purposes. Heated with hot air system and lighted with electric lights. Ventilation is bad. Equipment consists of a turntable operated with a gasoline motor. Fires are cleaned on 2 elevated ash-pits with a depressed track for cinder cars. Coal is delivered to tender from a 32-pocket covered trestle; 16 pockets are located on each side of trestle. Sand is screened and dried in quantities and is delivered to sand-box by gravity from a pocket located at end of coal trestle.

Engine house shop building is of brick construction in fair condition, capacity 11 pits. Heated with hot air system and lighted with electric lights. This shop has been abandoned as a general repair shop and is now used entirely as an auxiliary to the engine house for heavy running repairs and drop-pit work. Power plant equipment consists of drop-pits, runways, and air hoists. A good assortment of machine tools in fair general condition. A good tool room well equipped with air tools, hand tools, special tools, etc.; also a good file of standard drawings neatly mounted. In a wing attached to shop is located boiler and power room, and is equipped with 3 locomotive boilers in fair condition. Coal is delivered conveniently to boilers by trestle and gravity to coal-bin. Power room is equipped with a good horizontal steam engine, air compressor, and necessary pumps, etc. Store room is located in a detached frame building conveniently located. A good stock of supplies for running and emergency repairs is maintained. Oil room is located in a detached two floor brick building conveniently located; top floor is used for storage of waste and supplies; ground floor is used for oil tanks, delivery of oil and supplies, etc.

Inspection and care of safety appliances are good. The entire plant is out of date. Interior and surroundings are clean and orderly. The indications are that good work is being done under adverse conditions.

Tifft Farm, Buffalo, September 23, 1909; 20 locomotives are assigned to this terminal; 12 locomotives are turned and receive light running repairs in 24 hours; 30 men are employed on work incident to turning and light running repairs.

No. 705: good; spark-hopper is badly burnt; throttle leaks; ash-pan is in bad condition, open at foundation ring front end 2 x 50 in.; badly fitted at back end, leaving a number of openings 1 x 2 in.

No. 700: fair; spark-hopper is badly burnt; valve stem oil cup covers gone; throttle leaks; boiler leaks at wagon top left side and in barrel near middle braces; injector checks leak; foundation ring leaks; ash-pan is in bad condition; screen corroded out in front end leaving opening 2 x 30 in.; opening at back end 2 x 50 in.

No. 1693: good; valve stem oil cup covers gone; boiler checks leak; ash-pan open at top at foundation ring 2 x 16 in.

No. 713: fair; ash-pan in bad condition, open at front end at foundation ring 1 x 50 in.; open at back end 10 x 20 in.

No. 770: fair; extension front frame and door badly burnt; valve stem oil cup covers gone; ash-pan in bad condition, open at front end on right side 2 x 14 in.; screen away from foundation ring back end 2 x 50 in.

No. 720; good; foundation ring leaks; throttle leaks; ash-pan is in bad condition, open at back end 2 x 50 in.; open at front end 2 x 30 in.

Nos. 3037, 3038, 3036, 3039, 3040, 3043: fair; no defects noted.

Tifft Farm, Buffalo, engine house, capacity 11 pits. Building is new and modern, of concrete construction, and was placed in service September 1, 1909. Heated with hot air system. Light is furnished with oil lamps. Ventilation is good. Equipment consists of a turntable operated with a gasoline motor. Fires are cleaned on roadbed; this method is temporary and is being used to facilitate the filling out of engine house yard. Coal is delivered to tender from storage by steam shovel. Sand is dried at East Buffalo engine house and is shipped to Tifft Farm ready for use; it is delivered to sand-box by gravity. Boiler and power rooms are located in a detached frame building; the equipment at present consists of 1 locomotive boiler, hot air fans, etc., and a good air compressor. Oil room is located temporarily in a freight car. Store room is located temporarily in boiler room.

This plant is new and was placed in service September 1, 1909. When fully equipped and organized it will be modern throughout. It is expected that several months will elapse before equipment and organization will be complete. No machine tools are located at this plant. Small tool equipment is good. Washout plant is not complete and work of this character is attended to at the East Buffalo engine house. No driving-wheel drop-pit work is handled at this place.

Rochester, September 16 and 24, 1909; 7 locomotives are assigned to this terminal; 18 locomotives are turned in 24 hours and receive light running repairs; 14 men are employed on work incident to turning and light running repairs.

No. 2641: good; no defects noted.

No. 2644: good; water glass is not protected with a guard; boiler checks leak; pipes are gone from piston rod oil cups; front end is not air tight.

No. 611: fair; two holes in back end of ash-pan at grate connections 4x6 in.

No. 1125: fair; injector checks leak; metallic packing leaks; valve stem oil cup covers gone; whistle leaks where connected to dome.

No. 2584: fair; front end burnt; throws sparks badly; blower joints leak; metallic packing leaks; valve stem oil cup covers gone.

Rochester engine house, capacity 5 pits. Building is of frame construction in fair condition. Heated with steam. Light is furnished with oil lamps. Ventilation is bad. Equipment consists of a turntable manually operated. Fires are cleaned on roadbed. Coal is delivered to tender from a 3-pocket coal trestle. Sand is dried at East Buffalo engine house and shipped to Rochester ready for use; it is delivered to sand-box manually. Boiler room and machine shop are located in wing at end of engine house. Equipment consists of 1 locomotive boiler, a small vertical steam engine, and a small

assortment of machine tools in fair condition for the purpose used. Small tools, etc., are fair. Oil room and store room are located in a detached frame building. A fair stock of supplies for running and emergency repairs is maintained.

Inspection and care of safety appliances are good. This entire plant is out of date. Interior and surroundings are clean and orderly. No driving wheel drop-pit work is handled at this place.

Manchester, September 16, 17, and 24, 1909; 50 locomotives are assigned to this terminal; 50 locomotives are turned in 24 hours and receive heavy running repairs; 110 men are employed on work incident to turning and light running repairs.

No. 1453: bad; machinery in general bad condition; tires worn ⅜ in.; throttle leaks; barrel of boiler leaks; right back corner of foundation ring leaks; guide and valve stem oil cup covers are gone; metallic packing leaks; ash-pan is in poor condition: openings in back end (not protected) for throwing clinkers into ash-pan; hole 1 x 3 in. in left wheel guard of ash-pan; hole 1¼ x 6 in. at front end connection upper and lower sections of ash-pan.

No. 2653: good; ash-pan is in poor condition: hole at foundation ring left side 1 x 2 in.; also in netting front end of ash-pan 1 x 12 in.; back hopper warped badly and will soon require renewal.

No. 612: fair; steam chest joints and metallic packing leak; guide and valve steam oil cup covers are gone; main valves are out of adjustment in back motion; parallel rods pound badly.

No. 2652: fair; guide oil cup covers gone; throttle steam pipe leaks at dome connection; valve stem oil cup covers gone; steam chest joints leak; step on left front beam badly bent.

No. 850: fair; metallic packing and steam chest joints leak.

No. 1673: fair; metallic packing leaks; back head of boiler leaks; 2 doors open on ash-pan at foundation ring.

No. 1901: fair; bad pound in rods; piston rod oil cup covers gone; safety valves leak where connected to dome; steam chest joints leak; relief valves leak; 2 doors open on ash-pan left side at foundation ring.

No. 708: fair; doors open on ash-pan at foundation ring, right side.

No. 1903: good; extension front frame and door badly burnt and warped.

No. 745: fair; spark-hopper leaks; throttle leaks; ash-pan open on both front corners 2 x 10 in.; also in center 6 x 10 in.; ash-pan is in general bad condition, top section is warped, and is open in back end in a number of places.

No. 3041: good; in engine house under repairs.

No. 1622: good; extension front leaks; ash-pan away from front end of foundation ring corners, leaving openings 1 x 7 in.

No. 716: fair; in engine house under repairs.

No. 759: fair; blower connection leaks at front end; hole in front end of ash-pan at foundation ring 1 x 7 in.

No. 715: fair; ash-pan in bad general condition; open at back end each side 1 x 8 in.; open at front end each side 3 x 8 in.; hole in front end 6 x 8 in.

No. 803: good; holes in front end of ash-pan at front brace each side 2 x 8 in.

No. 765: fair; right No. 3 tender truck wheel flange sharp; ash-pan in bad condition; holes in front end both sides 1 x 8 in.; hole in center of front end 6 x 8 in.; plugs in bottom of barrel of boiler leak; foundation ring leaks; metallic packing leaks; spark-hopper leaks; left front step loose; 2 ash-pan doors open at foundation ring.

No. 790: fair; throttle leaks; ash-pan away from foundation ring front end 1 x 26 in.; 3 openings in back end 6 x 8 in.

No. 1164: fair; guide oil cup covers gone.

No. 1627: good; throttle leaks; valve stem oil cup covers gone; blow-off cock in throat sheet leaks; foundation ring leaks; rivets leak inside of firebox back end; ash-pan in bad condition: hole in front end 3 x 6 in.; back end in bad shape, top section practically open entirely; sheet bent in so it affords no protection from dropping fire.

No. 1632: good; throttle leaks; valve stem oil cup covers gone; right back cylinder casing gone; back end of ash-pan open 8 in. full width; ash-pan open each side at back brace 1 x 4 in.

No. 840: fair; valve stem oil cup covers gone; throttle leaks; Tate flexible staybolts in throat sheet leak; main rod keys badly battered; ash-pan open in front end 1 x 8 in.

No. 1600: good; 2 doors open in ash-pan at foundation ring.

No. 818: fair; metallic packing leaks; steam chest joints leak; valves are out of adjustment in forward motion; guide, piston rod, and valve stem oil cup covers are gone.

No. 819: fair; metallic packing leaks; valve stem oil cup covers gone; right back cylinder casing gone; door open on ash-pan at foundation ring.

No. 1675: good; metallic packing leaks; valve stem oil cup covers gone; boiler leaks at right front side of wagon top.

No. 1690: fair; front end burnt, throws sparks badly; boiler leaks at wagon top front end.

No. 1676: fair: foundation ring leaks.

No. 609: fair; metallic packing leaks; steam chest joints leak.

Nos. 1550, 62, 2669, 2464, 610, 1671, 1768, 2407, 3042, 1411, 2675, 814, 614, 825: good; 3030, 2235, 823: fair; no defects noted.

Manchester engine house, capacity 27 pits. Building is of brick construction and in fair condition. Improvements are in progress, consisting of concrete floor and pits, steam heat, and heavy repairs to buildings which will improve conditions materially at this station; 6 pits are used for shop purposes. Building is equipped with incandescent electric lights, but same are not in use on account of trouble and expense of maintenance. Light is furnished with oil lamps. Ventilation is bad. Equipment consists of a turntable operated with gasoline motor. Fires are cleaned on 2 elevated ash-pits with a depressed track for cinder cars. Coal is delivered to tender from storage by steam shovel. Sand is screened and dried at this station and is delivered to sand-box manually. Power plant equipment consists of 2 locomotive boilers, vertical steam engine, air compressor, power pump and shear, and a good assortment of machine tools in fair condition. Tool room is located in this section and is well equipped with air tools, hand tools, special tools, etc. Storeroom and oil room are located in a detached brick building. A fair stock of supplies for running and emergency repairs is maintained.

Inspection and care of safety appliances are good. This plant is out of date. Interior and surroundings are clean and orderly. The indications are that fair work is being done under adverse conditions. No driving wheel drop-pit work is handled at this place.

Sayre, Penna., September 20 and 21, 1909; 87 locomotives are assigned to this terminal; 85 locomotives are turned in 24 hours and receive heavy running repairs, including drop-pit work; 198 men are employed on work incident to turning and heavy running repairs.

Nos. 2668, 1551, 786, 2642: good; 1625, 1032, 78: fair; no defects noted.

No. 1354: fair; throttle leaks; piston rod and guide oil cup covers gone; ash-pan in bad condition, open at back end each side 6 x 8 in.; open at front end ½ x 18 in.

No. 3063: good; metallic packing leaks.

No. 2462; good; opening in front end of ash-pan 3 x 24 in.

No. 1555: good; in engine house under repairs; extension front frame and door burnt; valve stem oil cup covers gone; opening in front end of ash-pan 6 x 8 in.

No. 796: good; extension front frame and door burnt.

No. 1840: good; in engine house under repairs; ash-pan in bad condition, opening in front end 6 x 8 in.; opening at both sides 2 x 20 in.

No. 800: good; ash-pan open at front end 6 x 8 in.

No. 1236: good; in engine house under repairs; opening in back end of ash-pan 6 x 10 in.

No. 801: good; opening in front end of ash-pan 6 x 8 in.

No. 815: fair; spark-hopper burnt; valve stem oil cup covers gone; ash-pan open at both back corners 1 x 6 in.

Nos. 802, 816: fair; 566, 788, 2332: good; in engine house shop under repairs.

Nos. 1703, 1707: bad; out of service awaiting engine house repairs.

Nos. 2564: good; 1084: fair; in reserve.

Nos. 1029, 2544, 1709, 1708: fair; in reserve; will require heavy engine house repairs before being placed in service.

No. 536: fair; opening in back end of ash-pan 6 x 8 in.; guide and piston rod oil cup covers gone.

No. 1204: fair; ash-pan in bad condition, opening in front end 2 x 40 in.; opening in back end 6 x 20 in.

No. 1212: fair; opening in ash-pan at back spring hanger 2 x 4 in.; piston rod and guide oil cup covers gone.

No. 760: good; in reserve; no defects noted.

No. 780: good; in reserve; 2 openings in ash-pan at front end 6 x 8 in.; opening in back end 12 x 24 in.

No. 795: good; in reserve; opening in front end of ash-pan 6 x 10 in.

Buffalo division locomotives in shop or awaiting shop: Nos. 56, 64, 70, 538, 710, 712, 718, 820, 821, 831, 1144, 1162, 1165, 1375, 1601, 1608, 1609, 1624, 1672, 1678, 2231, 2406, 2451, 2650, 3353; a total of 25.

Sayre, Penna., engine house, capacity 28 pits. Building is of brick construction in fair condition. Two pits are used for shop purposes. Heated with hot air system and lighted with electric lights. Ventilation is fair. Frame extensions have been placed on all pits so that it is possible to handle large power comfortably. Six pits of old erecting shop are used as an auxiliary to engine house for driving-wheel drop-pit work and heavy running repairs. Equipment consists of turntable operated with an electric motor, electric transfer table between engine house and auxiliary drop-pit shop. Fires are cleaned on 2 elevated ash-pits with a depressed track for cinder cars. Coal is delivered to tender from a 30-pocket covered coal trestle; 15 pockets are located on each side of trestle. Sand is screened and dried in quantities and is delivered to sandbox by gravity. A special pit is located outside of and convenient to engine house on which inspection is made as soon as locomotive arrives at terminal. This is convenient and facilitates the inspection of enginemen and inspectors. Two pits of engine house are used for tool room and machine tools. Power and compressed air are furnished from modern central power plant which is locaed conveniently to general repair shop. All machine and power tools are electrically driven. Equipment consists of a good assortment of machine tools in fair condition. Tool room is located in this section and is well equipped with air tools, hand tools, special tools, etc., in good general condition. Store room and oil room are located in a detached brick building, in fair general condition. Building is divided into two sections, one section being used for small supplies and one section for oil delivery, etc. Basement is used for oil storage. A modern general store room is located at this station in connection with general repair shop which is fully equipped with supplies and material of all kinds. Small stock only is maintained in engine house store room.

Inspection and care of safety appliances are good. This plant is out of date. Interior and surroundings are clean and orderly. Good work is being done.

Sayre general repair shop capacity 52 pits. Output (approximate) 50 general repairs of locomotives per month. Approximately 1000 men are employed on general repair work. This shop handles a large percentage of the general repair and new work for the entire system. These shops are new and modern; they were erected in 1904. The group of buildings consists of one main building 366 x 748 ft., at one end of which is located the boiler shop. There are two erecting floors of the transverse type, capacity 26 pits each, located on opposite sides of this building. In the center of this building, between the erecting floors, is conveniently located all machinery and special appliances; also various departments for the repair of individual parts of locomotives, such as air brakes, injectors, lubricators, rods, valve motion, etc. Tool room and shop offices are located in this section; lavatories, lockers, etc., are located in special gallery. This main building is

served by 11 electric cranes, heated with hot air system, and lighted with electric lights; natural light is excellent, and ventilation is good. All machinery is electrically driven, either individually or in gangs. The equipment of this shop is generally good. Piece-work system is in general use. This shop is located parallel to a base track. Locomotives are brought into shop by means of a turntable and then located with cranes. Blacksmith shop is 102 x 363 ft., and is located at end of main building; shop is equipped with modern tools, oil furnaces, etc., lighted with electric light, and is well ventilated; natural light is good. General store room is 102 x 363 ft., and is located at end of main building and parallel to blacksmith shop; building is thoroughly equipped for handling economically large quantities of general stores and supplies. Power plant is 125 x 240 ft.; this building is located conveniently at side of main building and is modern in all details: it furnishes power, compressed air, water and light for yards, stations, engine house, car shops, and locomotive shops.

These shops when worked to their maximum capacity are capable of a greatly increased output. I am informed that the present output is approximately 50 general repairs of locomotives per month, or about one locomotive per pit. Shops are recorded which have an output as high as a locomotive per pit in 15 days when properly reinforced in machine shop and other departments. This shop is working largely on a piece-work basis, and I am informed that the system has worked out advantageously for both railroad company and employees. At various places I heard considerable criticism as to the quality of work being done on the piece-work basis at Sayre shop. Aside from condition of ash-pans and spark-arresters, this criticism was apparently baseless and was the result of personal prejudice. The work which is being done on ash-pans and spark-arresters at the Sayre shop is apparently bad. I saw a number of locomotives recently out of shop on which ash-pans were poorly designed and had been neglected in making repairs. These shops and surroundings are well maintained in all details. The indications are that the shop organization is good.

Auburn Division.

Auburn, September 15, 18, and 25, 1909; 43 locomotives are assigned to this terminal; 25 locomotives are turned and receive heavy running repairs in 24 hours; 28 men are employed on work incident to turning and heavy running repairs.

No. 605: bad; machinery in general bad condition; this locomotive requires shopping.

Nos. 98: fair; 2642, 2632, 2627, 51: good; no defects noted.

Nos. 2617, 2581: fair; in engine house under repairs.

No. 1218: fair; piston rod oil cup covers gone; metallic packing leaks; ash-pan in poor condition; openings between ash-pan and foundation ring are properly protected with guards; opening 1 x 3 in. in netting front end near bottom of ash-pan and 6 x 24 in. in back end of ash-pan.

No. 1206: good; steps on front beam are loose; ash-pan in poor condition, opening 1 x 3 in. in netting front end near bottom of ash-pan, and 6 x 24 in. in back end of ash-pan.

No. 607: fair; piston rod oil cup covers are gone; metallic packing leaks; back cylinder casings are gone.

No. 1098: fair, ash-pan in poor condition; opening at back end of ash-pan 1½ in. full width; opening at front end of ash-pan at foundation ring each side 3 x 6 in. and 1 in. full width; guide and piston rod oil cup covers are gone; back cylinder casings are gone; metallic packing leaks; steps on front beam are loose.

No. 1215: fair; ash-pan in poor condition; opening in front end of ash-pan at foundation ring 3 x 6 in.; piston rod oil cup covers are gone; metallic packing leaks; steps loose on front beam; right front cylinder casing is gone.

No. 1173: bad; machinery in general bad condition; this locomotive requires shopping; driving wheel tires worn ⅜ in.; guide, piston rod, and valve stem oil cup covers are gone; metallic packing leaks; throttle leaks; back cylinder casings are gone; steps on front beam are loose.

No. 1214: good; metallic packing leaks; guard on right side of ash-pan opened; hole 1 x 8 in. at right back corner.

No. 2630: bad; machinery in general bad condition; this locomotive requires shopping; ash-pan in poor condition; hole at front end in netting 3 x 20 in.; opening over left back driving box 1 x 6 in.; opening over right back driving box 1 x 4 in.; 4 spokes broken in left front driving wheel at crank-pin hub.

No. 1183: good; front end is not air tight.

No. 520: fair; valve stem and piston rod oil cup covers are gone; metallic packing leaks; steps on front beam are loose.

No. 2664: fair; left front corner of foundation ring leaks badly.

No. 1181: bad; machinery in general bad condition; spark-hopper burnt; metallic packing leaks; back cylinder casings gone; tires worn ⅜ in.; cab cocks leak.

No. 1219: fair; in engine house under repairs; ash-pan open at back end 6 x 30 in.

No. 1124: good; front end burnt; staybolts leak in side sheets; rivets leak in throat sheet patch; valve stem oil cup covers gone; ash-pan in bad condition; back hopper badly warped and burnt at corners, leaving holes 2 x 3 in.

Building is of brick construction, in good condition. Four pits are used for shop purposes. Heated with steam and lighted with oil lamps. Ventilation is fair. Equipment consists of a turntable manually operated. Fires are cleaned on an elevated cinder pit with a depressed track for cinder car. Coal is delivered to tender by steam shovel from storage. Sand is dried at East Buffalo engine house and shipped to Auburn ready for use; delivered to sand-box manually. Boiler room and machine shop are located at one end of engine house. Equipment consists of 2 locomotive boilers and a good assortment of machine tools in fair condition for the work to be performed. Small tools, etc., are good. Store room and oil room are located in a detached frame building. A good stock of supplies for running and emergency repairs is maintained.

Inspection and care of safety appliances are good. Inspection of spark-arresters and ash-pans is made daily. My impression was that same was superficial, as the maintenance of these devices is bad. Interior and surroundings of buildings are clean, orderly, and attractive. No driving-wheel drop-pit work is handled at this place.

Cortland, September 21 and 22, 1909; 25 locomotives are assigned to this terminal; 20 locomotives are turned and receive heavy running repairs, including drop-pit work, in 24 hours; 32 men are employed on work incident to turning and heavy running repairs, including drop-pit work.

No. 1042: good; no defects noted.

No. 2636: fair; extension front burnt, throws sparks badly; ash-pan in bad condition, open at front end 8 x 30 in.; foundation ring leaks; spark-arrester in bad condition, open at top connection ½ x 6 in.

No. 3450: fair; metallic packing leaks; ash-pan in poor condition at bottom and drops a large amount of cinders; dampers are in bad condition and are badly fitted, leaving opening at top and bottom ½ in. full width of ash-pan.

No. 2510: bad; machinery in general bad condition; tires are worn ⅜ in.; cab cocks leak; injector checks leak; flues leak; metallic packing leaks; valve stem oil cup covers gone; pipes on piston rod oil cups are 2 in. too short; front end burnt, throws sparks badly; ash-pan in bad condition, back hopper is badly warped.

No. 2616: good; barrel of boiler leaks; studs in throat sheet brace leak; throttle leaks; left back driving wheel hub cracked, reinforced with a band; ash-pan in bad condition, open at back end 12 x 30 in., and at connection ½ x 15 in.; spark-arrester in bad condition; manhole door cut off on one side with no fastening; badly fitted at corners, leaving opening ¾ x 5 in.

No. 2580: good; ash-pan open at back and front end at foundation ring 3 in. full width of pan.

No. 2638: fair; valve stem oil cup covers gone; left back cylinder casing gone; left front step badly bent; spark-hopper burnt; ash-pan open back and 1 in. full width; front end 1 in. full width of pan.

No. 532: fair; extension front burnt; valve stem oil cup covers gone; left back cylinder casing gone; metallic packing leaks; left side of firebox crack 3 in. long, and caulked; ash-pan in bad condition, open at left front corner of foundation ring 1 x 2 x 6 in.; open at back end 10 x 20 in.; open at back connection 2 x 4 in.; open at front connection 2 x 4 in.; spark-arrester in bad condition, open at connections ¾ x 7 in.

No. 2612: fair; right front step bent and loose on beam; ash-pan in bad condition, open at back end 6 x 30 in.; netting in front end of ash-pan away from foundation ring 1 in. full width of pan; back hopper is badly warped.

No. 527: fair; in engine house under repairs; valve stem oil cup covers gone; ash-pan in bad condition, open at front end of foundation ring 6 x 30 in.; back end of foundation ring 6 x 30 in.; back hopper is badly warped and away from frame.

No. 1720: fair; valve stem oil cup covers gone; ash-pan dampers poorly fitted, open top and bottom when closed 1 in. full width of pan; not equipped with screens for use when both dampers are open.

No. 2579: fair; flues leak; boiler mountings outside of cab leak; valve stem oil cup covers gone; ash-pan in bad condition, open front end each side at foundation ring 1½ x 14 in.; opening in center at connection 4 x 30 in.; spark-arrester in bad condition, netting open at joints ½ x 5 in.; extension front door burnt.

No. 2545: fair; foundation ring leaks; flues leak; patch right side of throat sheet leaks; ash-pan in bad condition, open at front end at foundation ring 3 x 30 in.; back end at foundation ring 6 x 30 in.; back hopper is badly warped; spark-arrester in bad condition; netting open at joints ¾ x 5 in.; extension front door burnt.

No. 1163: good; in engine house under repairs; extension front door and frame burnt; ash-pan in bad condition, open at back end 4 x 30 in.; open at front end 6 x 30 in.; open at both front corners 1 x 4 x 4 in.

No. 521: fair; in engine house under repairs; spark-hopper burnt; spark-arrester in bad condition, netting patched, open at joint 2 x 10 in.; ash-pan in bad condition, open at back end 6 x 30 in.; open at both front corners 6 x 8 in.

No. 2710: fair; in engine house under repairs; ash-pan in bad condition, open at back end 6 x 30 in.; open at front end 10 x 30 in.

Auburn division locomotives in shop or awaiting shop: Nos. 76, 546, 561, 566, 589, 592, 817, 1182, 2587, 2629; a total of 10.

Cortland engine house capacity 8 pits. Building is of brick construction, in bad condition. Heated with stoves and lighted with oil lamps. Ventilation is bad. Equipment consists of a turntable manually operated. Fires are cleaned on an elevated cinder pit with a depressed track for cinder car. Coal is delivered to tender by steam shovel from storage. Sand is dried and screened at this place and delivered to sand-box manually. Machine shop and drop-pit are located in a detached frame building, in fair condition. Equipment consists of 2 boilers, horizontal steam engine, 2 air pumps for compressed air, and a fair assortment of machine tools and a good assortment of hand and special tools, all in fair condition. This building was at one time a general repair shop and has sufficient track room to accommodate 4 or 5 locomotives. All heavy running repairs are made in this building. Store room and oil room are located in a detached frame building. A good stock of supplies for heavy running repairs is maintained.

This plant is generally out of date. Inspection and care of safety appliances are good. Inspection of spark-arresters and ash-pans is made daily. My impression was that same was superficial, as the maintenance of these devices is bad. The engine house and other buildings are old and inconveniently located to each other.

In conclusion, all engine houses and shops are equipped with standard lockers, work benches, etc. Tools for tube work are all maintained standard and boiler work is generally well cared for. Ash-pans are generally poorly designed in the matter of protecting dampers and other openings against the dropping of fire. The surroundings and interior at shops and engine houses are generally clean and orderly. Locomotives are generally

clean and attractive. From conversation with enginemen and general observation, it is quite apparent that running and general repairs are being well maintained. Throughout this inspection, except the condition of ash-pans and spark-arresters, I found very few defects of a serious nature.

Recommendation: That ash-pans and spark-arresters receive better attention as to design and maintenance; that all necessary openings on ash-pans be guarded with screens properly fastened.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON LITTLE FALLS AND DOLGEVILLE RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the Little Falls and Dolgeville railroad:

Inspection was made August 24, 1909, at Little Falls and Dolgeville. The locomotive equipment consists of 2 locomotives.

No. 1, 10-wheel type, general condition good, having recently received flues and other heavy running repairs; no defects noted; safety appliances, air brakes, wheel flanges, etc., in first-class condition; locomotive in daily service.

No. 2, 8-wheel type, general condition good, with exceptions noted: valves are out of adjustment when working in forward motion; left back tender truck wheel flange is cutting and will require changing within a short time; driving-wheel tires are worn 5/16 in.; locomotive sets low on back driving boxes; no uncoupling lever on front coupler and no efficient grab-iron on front end of beam; both these defects should be rectified at once; locomotive in daily service.

The passenger car equipment consists of 2 baggage cars, Nos. 6 and 7, 1 combination baggage and passenger car No. 8, and passenger car No. 9; baggage cars are in fair general condition, and the combination car and passenger car are in good general condition. All equipment has had thorough general repairs within 18 months. All cars are equipped with metal brake beams and castiron truck wheels.

Baggage car No. 6: general condition fair; no defects noted; paint and varnish in good condition; air brakes, safety appliances, and trucks in good condition; interior is in good condition for the purpose used.

Baggage car No. 7: general condition fair; no defects noted; paint and varnish in good condition; air brakes, safety appliances, and trucks in good condition; interior is in good condition for the purpose used.

Combination baggage and passenger car No. 8: general condition good; no defects noted; paint and varnish in good condition; air brakes, safety appliances, and trucks in good condition; capacity 44 passengers; heat is furnished with stoves, which have been removed for the summer season; light is furnished with 3 double-font oil lamps, in good condition; car is equipped with reversible plush covered seats in first-class condition, also curtains and parcel racks in good condition; ice water is furnished and ice water tank was in a clean condition; paint and varnish are in first-class condition; lavatory in fair condition; car generally clean; emergency tools in good condition and properly located; baggage compartment was in good condition for the purpose used.

Passenger car No. 9: general condition good; no defects noted; paint and varnish in good condition; air brakes, safety appliances, and trucks in good condition; capacity 56 passengers; heat is furnished with stoves, which have been removed for the summer season; light is furnished with 3 double-font oil lamps in good condition; car is equipped with reversible plush covered seats in good condition, also curtains and parcel racks in fair condition; ice water is furnished and ice water tank is in a clean condition; paint and varnish are in fair condition; lavatory in fair condition; car generally clean; emergency tools in good condition and properly located.

The repair facilities consist of a 2-stall frame engine house and wing in fair condition, located at Dolgeville, N. Y. Coal is shoveled from covered platform to tender. Sand is handled by buckets from storage to sand-box. Fires are cleaned on roadbed. Locomotives are turned on turntables at Little Falls and Dolgeville and on a wye at Salisbury Center. Small tools are in fair condition but an insufficient quantity is furnished. No transfer or other good jacks were noticed in the tool equipment; good hydraulic or ball-bearing transfer and lift jacks should be a part of engine house equipment of all railroads. Water is procured by pumping; power for pump is procured from a vertical boiler carrying 90-lbs. pressure; this boiler also furnishes power for a small steam engine which drives an antiquated drill press and emery wheel. General machine work is satisfactorily arranged for at a local machine shop. The repair staff consists of a foreman and helper with the addition of enginemen and other railroad men when conditions require same. Heavy running repairs only are made, general repairs being attended to at contract shops.

Recommendation: That locomotive No. 2 be equipped at once with a coupler operation lever and grab-irons on front end. No recommendations are necessary as to cars; no defects were noticed and cars were in a general good condition.

The general condition of all equipment is fair and same is well maintained. Passenger cars are well cleaned daily and disinfectants are used in lavatories at frequent intervals. I was accompanied throughout this inspection by Mr. W. R. Cromvelo, foreman, who informed me that the defects noted would receive immediate attention.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON MARCELLUS AND OTISCO LAKE RAILWAY.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the Marcellus and Otisco Lake Railway Company.

Inspection was made August 19, 1909 at Marcellus. The locomotive equipment consists of 2 locomotives, both are light, of the American or 8-wheel type.

No. 1: General condition fair, with the following exceptions: oil cups gone from rocker boxes; right back side rod and right side valve stem metallic packing; the top gauge cock had been leaking and was shut so tightly that it was impossible to open with a 12-in. wrench; air signal line was not in operation and I was informed that it had not been in operation for some time; locomotive is in daily service.

No. 2: General condition fair, with the following exceptions: tender not equipped with air brakes, and hand brake on one truck only; firebox has copper patch; locomotive is held in reserve and is not used to exceed two days per month.

The passenger car equipment consists of 1 combination baggage car No. 1, in fair general condition, and 1 passenger coach named *Texas*, in fair general condition with the exceptions noted.

Passenger car No. 1: general condition fair, with the exceptions noted: 1 pair of truck wheels with sharp flanges on baggage compartment end of car: these flanges are worn considerably below M. C. B. wheel defect gauge and are liable to cause derailment, and should be removed at once; coupler on baggage compartment end of car is being operated without being connected to knuckle opening lever, making it necessary for trainman to go between cars to open and close knuckle: this is dangerous for trainmen and should be repaired at once; brakes are in fair condition; heated with Spear heater in good condition, properly fastened and guarded; light is furnished with 2 double-font oil lamps, in fair condition but dirty and foul; lavatory is in fair condition. This car has a seating capacity of 36 passengers and is

equipped with reversible plush covered seats in fair condition. Conductor's valve is in proper condition. Ventilation is furnished with Dane ventilators. There are no emergency tools in this car and car should be equipped at once with a suitable box of tools properly located. Baggage compartment is in fair condition. Car is equipped with drinking water tanks but none is furnished. Car is not maintained in a clean condition. This car is in daily service.

Passenger car *Texas:* general condition fair, with the exceptions noted: 1 pair of truck wheels with sharp flanges: these flanges are worn considerably below M. C. B. wheel defect gauge in size and are liable to cause derailment, and should be removed at once; platform end sills are decayed and in bad condition and should be renewed; side bearings on trucks are solid; brakes are in fair condition; heated with Spear heater in good condition, properly fastened and guarded; light is furnished with 3 double-font oil lamps, in fair condition but dirty and foul; car is equipped with two lavatories, both of which are in fair condition. This car has a seating capacity of 56 passengers and is equipped with rattan covered stationary seats in fair condition. Conductor's valve is in proper condition. Ventilation is furnished with Dane ventilators. Emergency tools are not visible, being located back of stove; they should be removed and placed in position in sight where they would be quickly available. Car is equipped with drinking water tank but none is furnished. Car is not maintained in a clean condition. This car is held in reserve and used generally on Sundays and holidays.

The repair facilities are located at Marcellus and consist of a 2-stall frame engine house in good general condition. Coal is shoveled from platform to tender and sand is handled in buckets from sand storage to sand-box. No turntables are used, locomotives being run in both directions without turning. Small tools are in fair condition and a fair supply of emergency repair parts are in stock in store room. No machine tools are owned by this company; all heavy and general repairs are made by the Rome Locomotive Works; light running repairs only are attended to. The repair staff consists of one machinist and one machinist helper with the assistance of the engine crew when occasion requires.

Recommendations: That air signal apparatus and gauge cocks on locomotive No. 1 be placed in proper working order at once and so maintained; that air brakes be applied to tender of locomotive No. 2; that truck wheels with sharp flanges under combination car No. 1 and coach *Texas* be removed at once and wheels in good condition substituted; that uncoupling apparatus on coupler of combination car No. 1 be placed in proper repair and made operative at once; that platform end sills on coach *Texas* be renewed within 30 days; that combination car No. 1 be properly equipped with emergency tools and that same be located in a conspicuous position; that emergency tools which are now located in car *Texas* be re-located in a conspicuous place; that company furnish foreman with a standard M. C. B. wheel defect and coupler gauge, and copies of Master Car Builders' Rules and Air Brake Instruction Book; the foreman in charge is not posted in the elementary rules of safety appliances or air brakes; that cars be maintained in a more cleanly and sanitary condition.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF THE MARION RIVER CARRY RAILWAY.

To the Public Service Commission, Second District:

GENTLEMEN: In accordance with your instructions of July 12, 1909, I have made an inspection of the Marion River Carry railway, which makes the connection between Raquette and Blue Mountain lakes. This inspection was made in accordance with request made by the Forest, Fish, and Game Commission, July 9, 1909. The following is a description of the railroad and other essential details:

The inspection was made August 6, 1909. The owner and operating company is the Raquette Lake Transportation Company, with offices at Raquette

Lake, N. Y. The gauge is 4 ft. 8½ in., and road is seven-eighths mile long. Connection is made between two points on the Marion river through which navigation is impossible. By this method transportation is possible between Raquette lake and Blue Mountain lake. A private right of way 200 ft. in width is used, and is laid with steel rails weighing 60 lbs. per yard. Ties are spaced about 24 in., and roadbed is well ballasted with gravel. The Blue Mountain terminal is 25 ft. higher than the Raquette Lake terminal. The railroad is nearly a continuous curve, with three or four short tangents. No highway, grade, or private crossings exist. There is 1 timber trestle about 10 ft. in length, located about one-fourth mile from the Raquette Lake terminal. Rails, ties, roadbed, and bridge are in good condition for the light equipment and speed of trains, 5 minutes being used in running the seven-eighths mile.

The equipment consists of 1 Porter tank locomotive and 3 light open street cars for passenger traffic. The locomotive is of the tank type, and anthracite coal is used; was built in 1901 by H. K. Porter & Co.; weighs 15 tons, all on drivers, no trucks or tender; boiler steam pressure 140 lbs. per sq. in.; cylinders 11-in. diameter by 16-in. stroke; air and steam brakes on all wheels; link and pin coupler is used; the condition is good throughout except spark-arrester, which is in exceptionally bad condition.

Light open cars, formerly used as street horse cars, are used for passenger traffic, and are numbered 1, 2, and 3; Nos. 1 and 2 have 10 horizontal reversible seats with a seating capacity of about 40 persons; No. 3 is equipped with camp stools, a number of which are in poor condition and generally unsafe; two pairs of wheels to each car; Nos. 1 and 2 have journal box pedestals attached to side sills of car; No. 3 has a metal truck frame; cars are equipped with hand brakes and metal brake beams of the usual type used in street car service; link and pin couplers are used; bell signals on each car; cars are protected with side rails which are placed in position by train crew before train is in motion; all trips are made in daylight and no lighting equipment is furnished. Cars are freshly painted and clean, and while the equipment is old, it is safe for the operating conditions with the exception of camp stools in car No. 3, and these in my opinion should be removed and the type of seat used in cars Nos. 1 and 2 substituted.

The season usually opens May 5th and is closed November 10th. Passenger traffic consists largely of excursionists from Raquette lake to Blue Mountain lake. Freight traffic consists largely of parcel freight. A freight float is in operation on Raquette lake and Blue Mountain lake, and by this method loaded cars are received from the Raquette Lake railroad and transported by means of freight floats and the Marion River Carry railway to all lake points; lumber, coal, and other bulk freight is handled in this manner. Each year between 50 and 60 cars of freight are handled.

This railroad passes in close proximity to heavy forest lands. There are no repair facilities close at hand, and gross carelessness and ignorance were manifested in the maintenance of spark-arrester of locomotive. There was no indication of any fires having occurred along the right of way. I believe that this railroad should be included in the order for use of oil for steam generation in its locomotive.

Link and pin couplers are used throughout. On the passenger cars there does not seem to be any particular danger to employees as cars remain coupled and cars are so light they can be pushed against locomotive by one man to make coupling. On the locomotive the condition is different: locomotive being backed on to lake floats to handle heavily loaded freight cars the liability of injury to employees is considerable, and I believe the locomotive should be equipped with automatic couplers.

Recommendations: That camp stools in passenger car No. 3 be removed and replaced with stationary seats; that locomotive be equipped with automatic couplers; that spark-arresters in locomotive be put in good condition at once and so maintained.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON MIDDLEBURGH AND SCHOHARIE RAILROAD AND SCHOHARIE VALLEY RAILWAY.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the Middleburgh and Schoharie railroad and the Schoharie Valley railway:

The Schoharie Valley railway extends from Schoharie Junction to Schoharie Court House, and the Middleburgh and Schoharie railroad extends from Schoharie Court House to Middleburgh. While two separate railroads are involved in this report the equipment is used jointly. As only one locomotive and one passenger car are required to conduct the traffic of both railroads, each railroad uses its equipment alternately for periods of one month. The inspection was made at Middleburgh on September 2, 1909.

The locomotive equipment of the Middleburgh and Schoharie railroad consists of one locomotive, No. 2; it is of the Forney type and is in fair general condition. The locomotive equipment of the Schoharie Valley railway consists of one locomotive, No. 5; it is of the American or 8-wheel type and is in bad general condition; it is now at the Oneonta shop of The Delaware and Hudson Company for heavy repairs.

Middleburgh and Schoharie Railroad locomotive No. 2 is of the Forney type; general condition fair with the exception noted: boiler steam pressure 140 lbs. per sq. in.; safety appliances are in fair condition with the exception of front end coupler operating lever which is missing; this defect should be repaired at once; locomotive is equipped with American steam brakes on driving wheels and back truck, and brakes are not effective; this condition is caused by the brake cylinders and piston packing being worn in such bad condition that when brakes are applied steam leaks by pistons sufficiently to reduce brake power fully 50 per cent; locomotive should be equipped with effective power brake at once; cab cocks leak; water glass is not equipped with a shield, and fireman keeps same closed on account of the danger from broken water glasses; staybolts are not drilled.

Schoharie Valley Railway locomotive No. 5: boiler steam pressure 110 lbs. per sq. in.; locomotive is of the American or 8-wheel type and is in bad general condition; locomotive is out of service and is at the Oneonta shops of The Delaware and Hudson Company to receive heavy repairs.

The passenger car equipment of the Middleburgh and Schoharie railroad consists of one combination passenger and baggage car No. 3; and of the Schoharie Valley railway consists of one combination passenger and baggage compartment car No. 5. The Middleburgh and Schoharie car has a seating capacity of 48 passengers; general condition good with the exceptions noted; car had general repairs in May, 1908; paint and varnish in good condition; safety appliances in good condition; draft timbers, sills, and couplers in good condition; car is equipped with castiron wheels and wooden brake beams; car is equipped with hand brakes in good condition; car is used in daily passenger service (alternating months) and all station and other stops are controlled by brakeman and hand brakes; car should be equipped at once with power brakes; heated with a common commercial stove which is not properly fastened and without guards on coal hopper, firebox, or ash-pan doors: this is extremely dangerous and should receive immediate attention; light is furnished with 3 double-font oil lamps in good condition; lavatory is in good condition; car is equipped with curtains, parcel racks, and plush covered reversible seats, all in good condition; no drinking water tank is provided and none is required for an 11-mile run; car is clean, freshly painted and varnished; emergency tools are in good condition. Baggage compartment is in good condition for the purpose used; light is furnished by 1 double-font oil lamp in good condition; heat is furnished from a common caboose stove badly fastened and without guards on firebox or ash-pan doors: this is extremely dangerous and should receive immediate attention. The car is generally clean and comfortable and presents a neat and attractive appearance.

Schoharie Valley car has a seating capacity of 48 passengers; general condition good; no defects were noted; car had general repairs in August, 1907;

paint and varnish in good condition; safety appliances in good condition; car is equipped with castiron wheels and metal brake beams; car is equipped with air brakes in good condition; heated with a Spear stove in good condition and properly fastened and guarded; light is furnished with 3 double-font oil lamps in good condition; lavatory in good condition; car is equipped with curtains, parcel racks, and plush covered reversible seats, all in good condition; no drinking water tank is provided and none is required for an 11-mile run; car is clean, freshly painted and varnished; emergency tools are in good condition. Baggage compartment is in good condition for the purpose used; light is furnished by 1 double-font lamp in good condition. The car is clean and comfortable and presents a neat and attractive appearance.

The repair facilities of the Middleburgh and Schoharie railroad and the Schoharie Valley railway consist of a 2-stall frame engine house in fair general condition, located at Middleburgh. Water for washing out boilers is obtained from the town supply, about 70-lbs. pressure. Coal is shoveled from platform to tender. Sand is handled in buckets from storage to sand-box. No turntables are used, locomotives being run in back motion in one direction. Small tools are in fair condition and in sufficient quantity for the work to be handled. No machine tools are owned; light running repairs only are made; heavy and general repairs are made at the Oneonta shop of The Delaware and Hudson Company. A good supply of emergency repair parts are kept in stock. All light running repairs are made by engineer and fireman.

Recommendations: That Middleburgh and Schoharie locomotive be equipped at once with front end coupler operating lever, steam brake cylinders on driving wheels, and trucks placed in proper repair at once; and equipped within 30 days with air brakes: this in order that freight and passenger trains can be handled with power brakes instead of hand brakes as at present; that boiler water glass be equipped at once with a shield, and water glass and boiler mountings be kept operative. That Middleburgh and Schoharie car be equipped within 30 days with air brakes: this car is now equipped with hand brakes only and is in daily service on passenger and mixed passenger and freight trains; that stoves in both passenger and baggage compartments be properly fastened, with all doors and openings through which fire could escape properly guarded and locked, so that in case of derailment fire danger would be reduced to the minimum.

The general condition of all equipment is fair and generally well maintained with the exceptions noted; all equipment is clean and presents a neat and attractive appearance.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON NEW YORK, AUBURN AND LANSING RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the New York, Auburn and Lansing Railroad:

Inspection was made August 19 and 20, 1909, at Auburn. The locomotive equipment consists of 5 locomotives, Nos. 1, 2, 3, and 4, and N. Y. C. & H. R. R. R. Co.'s locomotive No. 963 which is temporarily leased. The locomotives are in a fair general condition with the exceptions noted.

No. 1: general condition fair; it is at present awaiting shop on account of an engine failure which resulted in damaged main rod and broken cylinder head; no serious defects noted.

No. 2: general condition good; no defects were noted.

No. 3: general condition bad; in addition, locomotive has been badly damaged as the result of a head-on collision with locomotive No. 4; locomotive is now awaiting shop.

No. 4: in shop receiving heavy repairs made necessary by a head-on collision with locomotive No. 3; this locomotive was in service a short time after

general repairs when badly damaged by collision, making re-shoping necessary; locomotive will be in good general condition when repairs are completed.

N. Y. C. & H. R. R. No. 963: general condition is bad; was leased temporarily until locomotive No. 4 can be placed in service; staybolts, rivets, and flues leak badly in firebox; safety valves leak; cab cocks leak; metallic packing leaks; oil cups gone from metallic packing and rocker boxes; dampers gone from ash-pan; tender journal boxes in bad condition; air brakes badly adjusted; tender trucks in poor condition, bolts loose and nuts missing from a number of places; barrel of boiler leaks in bottom near throat sheet.

The passenger car equipment consists of 1 combination baggage and passenger car No. 3, and 2 coaches Nos. 1 and 2. Passenger equipment is in fair general condition with the exceptions noted:

Car No. 3: general condition fair; no defects on exterior; air brakes, safety appliances, sills, platforms, and trucks in good condition; trucks equipped with steel-tired wheels and metal brake beams; seating capacity 34 passengers; car is equipped with plush covered reversible seats; light is furnished with 2 two-font oil lamps, dirty and in poor general condition; ice water tank clean and ice water is furnished; lavatory in fair condition; conductor's valve in good condition; no emergency tools in this car; car is not maintained in a clean condition; car is heated with steam.

Coaches Nos. 1 and 2: general condition fair; no defects on exterior; air brakes, safety appliances, sills, platforms, and trucks in good condition; trucks equipped with steel-tired wheels and metal brake beams; seating capacity 60 passengers; car is equipped with plush covered reversible seats; light is furnished with 3 two-font oil lamps, dirty and in poor general condition; ice water tank clean and ice water is furnished; lavatory in fair condition; conductor's valve in good condition; emergency tools in good condition and properly located; car is not maintained in a clean condition.

The repair facilities are located at Auburn, and consist of a 1-stall frame and metal engine house and shop and a frame and metal machine shop, all in fair general condition. Coal is shoveled from cars or platform to tender. Sand is handled in buckets from sand storage to sand-box. No cinder pit; fires are cleaned on roadbed. No turntable; locomotives are turned on a wye. A good supply of small hand tools in good condition has been furnished. Machine tool equipment is in fair condition and consists of Foos gas engine for power and pumping purposes, engine lathe, drill press, emery wheel grinding machine, and blower and forge. A fair supply of emergency repair parts are kept in stock.

Recommendations: None are necessary as regards locomotives; good attention is being given to the matter of running repairs and safety appliances. That combination car No. 3 be properly equipped with emergency tools and that same be located in a conspicious place; that lamps in all cars be put in proper repair and maintained in a clean condition and properly equipped with chimneys and globes; that the interior of all cars be given a general cleaning at least every ten days, this cleaning to consist of cleaning windows and upper deck sash, thorough cleaning of cushions, and the scrubbing and cleaning of floors and lavatories with hot water diluted with some reliable disinfectant; that some reliable disinfectant be used in all lavatories daily.

Respectfully submitted,

A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF LOCOMOTIVES, PASSENGER CARS, AND REPAIR FACILITIES ON NORWOOD AND ST. LAWRENCE RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a detailed report of an inspection of locomotives, passenger cars, and repair facilities of the Norwood and St. Lawrence railroad:

Inspection was made October 13, 1909, at Norwood, Norfolk, and Waddington. The locomotive equipment consists of 3 locomotives.

No. 204: 8-wheel type; general condition fair; throttle leaks; whistle joints leak; sharp flanges on all truck wheels left side of tender; these flanges are worn below limits of M. C. B. wheel defect gauge and should be promptly removed; sharp flanges on front engine truck wheels; these flanges are worn nearly to M. C. B. wheel defect gauge and should be removed soon; piston rod oil cup covers gone.

No. 205: Mogul type; general condition good; no defects noted; built in 1903 by the Baldwin Locomotive Works.

No. 206: Mogul type; general condition good; no defects noted; built in December, 1907, by the American Locomotive Company.

The passenger car equipment consists of combination baggage and passenger compartment cars Nos. 101 and 102.

Car No. 101: general condition good; no defects noted; car has recently had general repairs and is in good condition throughout; paint and varnish are in good condition; air brakes, safety appliances, trucks, sills, and platforms are in good condition; capacity 34 passengers; heat furnished with Spear stove properly fastened and all doors and openings guarded; light furnished with 2 double-font oil lamps in good condition; car is equipped with low back plush covered reversible seats in fair condition; ice water is furnished and tank in a clean condition; lavatory in good condition; emergency tools in good condition and properly located; baggage compartment was in good condition for the purpose used; paint and varnish in good condition; car was generally clean.

Car No. 102: this car was in shop receiving heavy repairs, paint and varnish; car is practically new and of modern construction; it has a blind-end baggage compartment, and smoking and passenger compartment: car is heated with steam, equipped with modern double-font oil lamps, and reversible seats having a seating capacity of about 50 passengers; lavatory is good; equipped with air brakes and signal apparatus. When car is again placed in service it will be in first-class condition throughout.

The repair facilities consist of a 2-stall frame engine house and shop in good condition, located at Norfolk; engine house has a capacity of 2 locomotives for each stall; no turntables or wyes are at present operated; locomotives are run in back motion in one direction. It is expected to have wyes conveniently located in a short time, when the practice of running locomotives in back motion on passenger trains will be discontinued. Coal is shoveled from storage or cars to tenders. Sand is screened and dried and delivered manually to sand-box. Fires are cleaned on roadbed. Small tool equipment is fair. No machine tools are owned by the company; satisfactory arrangement is made with contract shops for all machine work. Running repairs are made by enginemen with the assistance of other employees when necessary. A sufficient stock of emergency repair parts is maintained.

Recommendations: That tender truck and engine truck wheels with sharp flanges under locomotive No. 204 be removed at once; that in future all flanges on all wheels be maintained in accordance with Master Car Builders' wheel defect gauge; no recommendations as to cars.

This railroad is new from Raymondville to Waddington (16 miles) and has been opened for service about 6 months. The general condition of all equipment is fair and is well maintained, with the exceptions noted. Passenger cars are cleaned daily and are comfortable and attractive in appearance. Running repairs to locomotives and cars are well maintained.

Respectively submitted,

A. BUCHANAN, JR.,
Supervisor of Equipment.

INSPECTION OF EQUIPMENT AND REPAIR FACILITIES OF PAUL SMITH'S ELECTRIC LIGHT AND POWER AND RAILROAD COMPANY.

To the Public Service Commission, Second District:

GENTLEMEN: The following is a report of inspection of locomotive and passenger car equipment and repair facilities of the Paul Smith's Electric Light and Power and Railroad Company:

Inspection September 29, 1909, at Paul Smith's.

The locomotive equipment consists of one American type locomotive, No. 1, in good general condition; locomotive was purchased second-hand from the N. Y. C. & H. R. R. R. Co.; built in 1888 at West Albany; boiler steam pressure 145 lbs.; size of cylinder 18-in. diameter by 24-in. stroke; weight on drivers 65,500 lbs.; total weight of locomotive 98,500 lbs.; total weight of locomotive and tender 169,200 lbs.; railroad is electrically operated and steam locomotive is used only when electric locomotive is out of service.

The steam railroad passenger car equipment consists of one passenger car, No. 1636, in good general condition; car is heated with steam and equipped with Pintsch gas, oil lamps, low back plush covered reversible seats, and parcel racks; seating capacity 62 passengers; car is not equipped with lavatory or drinking water, and none are required on a railroad 7 miles in length; emergency tools are in good condition and properly located; car is equipped with Westinghouse air brake and signal apparatus, castiron truck wheels, metal brake beams, and automatic couplers.

The electric motor car equipment consists of one combination electric motor, baggage, and passenger compartment car named *St. Regis Chain of Lakes*, which is in good general condition; car is heated with electric heaters and lighted with electric lights; car is equipped with high back, leather covered reversible seats, and parcel racks; seating capacity 24 passengers; car is not equipped with lavatory or drinking water, and none are required on a railroad 7 miles in length; emergency tools are in good condition and properly located; car is equipped with Westinghouse air brake and signal apparatus, metal truck frames, steel-tired truck wheels, metal brake beams, and automatic couplers.

This company, on account of its varied manufacturing interests, has a machine, blacksmith, and wood-working shop which is well equipped, and is in position to promptly make all necessary repairs.

Respectfully submitted,
A. BUCHANAN, JR.,
Supervisor of Equipment.

APPENDIX R

Reports of Inspector of Electric Railroads for Year Ended December 31, 1909.

APPENDIX R

BLACK RIVER TRACTION RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On May 14, 1909, I made a supplementary inspection of the Black River Traction Company's railroad and submit:

On Court street the grade of the street has been reduced and at present the maximum grade is 4 per cent. The special work of the crossing of the Rome, Watertown and Ogdensburg railroad tracks on Court street is out of line and should be repaired. The track through Court street is in fair condition, but there are some low joints which should be picked up.

The track through Main street is in fair condition, but there are a number of low joints which should be repaired. On Main street the track crosses at grade the single track of the Cape Vincent branch of the Rome, Watertown and Ogdensburg: this crossing is protected by gates operated from a tower; it should be equipped with derails in the electric track on either side of the steam track and with a metal trough on the trolley wire extending over the crossing; the special work of this crossing is in good condition.

The 60-lb. T. rail track from the Rome, Watertown and Ogdensburg crossing to Brownsville is in good condition. The track through Brownsville is in fair condition, with some low joints which should be repaired.

The track through Dexter is in poor condition of alignment, with low joints. There are no especially dangerous features on the Dexter line; only the ordinary repairs are needed, no new material necessary, except at the grade crossings of steam tracks; and at Glen Park a small number of new ties should be put in.

On the State Street line from the Square to Pleasant street, the end of the asphalt pavement, the track is in very poor condition of alignment, with low joints; this should be repaired immediately. From Pleasant street to the end of the line the track is not in first-class condition; some of the rails are worn and broken at joints; this track should be repaired.

The track of the High Street line from State street to Factory Square is in good condition. On this line there are 2 crossings of steam tracks: the special work of both is in fair condition; there should be derails in the electric track and metal troughs on the trolley wires at each of these crossings.

The company maintains a force of 2 men and a foreman on track and overhead work. The cars operated are in good condition.

With the exception of the grade crossings of steam tracks there are no especially dangerous conditions on this railroad, but the comfort of passengers and of the people residing along State street would be increased if the track through this street were reconstructed. This can be done by using a greater portion of the old rail. To bring about this result and also to increase safety of operation, the following recommendations are made:

That the Black River Traction Company immediately repair and where necessary reconstruct its track through State street from the Square to the terminus of the line; that this company equip the 2 grade crossings of steam tracks on High street, the Court Street crossing and the Main Street crossing, with derails on either side of each and place a metal trough on the trolley wire extending over each.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

BUFFALO, LOCKPORT AND ROCHESTER RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: March 9, 1909, I made a supplementary inspection of the Buffalo, Lockport and Rochester railroad, with a special reference to the limited high-speed service operated by that company, and submit:

A new time-table, dated March 3, 1909, went into effect on this railroad. Under this schedule the company is operating limited trains, making only the more important station stops. These trains are operated from the terminus in the city of Rochester to the depot of the Buffalo and Lockport railroad in the city of Lockport. Between the city line of Rochester and the city line of Lockport, a distance of 54.28 miles, the running time of the express trains varies from one hour and fifty minutes to two hours.

There are no conditions at present existing on this railroad, affecting the safety or convenience of passengers, which require action on the part of this Commission.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

JAMESTOWN STREET RAILWAY.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: I made an inspection of the Jamestown Street railway and submit:

The original inspection of this railroad was made December 18, 1900, and a report on that inspection containing data in reference to the physical conditions, equipment, cars, method of operation, etc., will be found in Volume I, page 586, Report of Railroad Commissioners, 1900. Since the date of this report the following changes, additions, and betterments have been made on this railroad:

The track through the following streets was reconstructed in 1906 with 60-lb., 6-in. T-rail: Third street, Prendergast avenue, Sixth street, Lake View avenue, Buffalo street, North Main street, Main street from Kent to Fifth street; Lakewood line, Fairmount avenue to Boat Landing, 60-lb. and 80-lb. T rail; Celeron line 1 mile of 80-lb. T rail laid in 1908. In addition to the above, a new line has been constructed known as the Newland Avenue line: this track is constructed of 60-lb., 6-in. T rail, and extends for a distance of about three miles through the following streets: Brooklyn Square, Steel street, Baker street, Barrett avenue, McKinley avenue, Charles street, Newland avenue, Broadhead avenue, Kidder street, Prospect street, McKinley avenue, Forest avenue.

The power house equipment has been improved by the putting in of 2 Wellsville boilers of 200 hp. each, which replaced 2 Sterling boilers of 175 hp. each. Mechanical stokers have been added to all boilers. The power house has been extended by a brick addition 60 x 115 ft.; this extension was built by the Chautauqua Traction Company. In it this company owns one 250 Westinghouse condensing engine direct connected to a 250-kw. d. c. generator. This apparatus was installed in 1903. Two 250-kw. generators have been replaced by two 300-kw. generators.

No change has been made in the car equipment except the addition of 5 Brill trucks and the adoption of the steel-pressed wheel as a standard. The company has contracted for 10 double-truck 44-ft. semi-convertible closed cars equipped with air brakes and sanders; these cars have been delivered and will be put in service during the coming summer season.

The company has bought property at Lakewood and has established a waiting room at that point in a building owned by it.

There has been no change in the operation of cars on the different routes mentioned in the last report except the new line, Newland Avenue, which is operated on a 15-minute headway.

There has been no elimination or change in the method of crossing steam railroad tracks. On Allen street the 10-ft. opening mentioned in the last report has been replaced by a concrete arch. No further material changes have been made in bridges or structures.

The track of the Falconer line from the junction of the South Side line, corner Second and Winsor streets, to the City Line is in fair condition. From Falconer depot the track of this line extends to the Erie depot, about ½ mile, and is constructed on 2 small pony truss bridges, both of which are in fair condition for class of cars operated over them. The 45-lb. T rail of this track is in poor condition; the company intends to replace it; this should be done.

The track of the North Side line is all in good condition.

On the Newland Avenue line there are several heavy grades, the maximum being on Barrett avenue, 9½ per cent for 1000 ft. The track is all in good condition.

The track of the South Side line crosses the tracks of the Erie railroad: there should be a metal trough on the trolley wire extending over the crossing; there is a derail on North Main street hill for protection of the Main Street crossing. The track of this line is all in good condition.

On the Lakewood line the special work of the crossing of the Jamestown, Chautauqua and Lake Erie railroad track at the foot of the hill is not in first-class condition; the company has new special work for this crossing, which will be installed in the near future; a metal trough should be placed on the trolley wire extending over this crossing.

The track of the Ashville Avenue line crosses the Erie railroad, special work of which is in poor condition; the company has ordered new special work for this crossing. The 45-lb. T rail of this track through Ashville avenue is in poor condition; the company has on hand 60-lb. rail to reconstruct the track to the city line, a distance of about ¾ mile. The street is to be paved, and the company is waiting for this improvement before relaying the track. The track from the city line to the new line under the Erie railroad, which is constructed of 45-lb. rail laid on the side of the highway, is in fair condition, having been recently improved by the addition of continuous joints. The new line under the Erie railroad to the junction of the old line is constructed of 80-lb. T rail and is in first-class condition.

During the summer season the company, in connection with the Chautauqua Traction Company, maintains a track force varying from 15 to 20 men. This force maintains the track of this company and the track of the Chautauqua Traction Company. During the season of 1908 the company did a considerable amount of paving; about 8500 ft. of street was re-paved, and through these streets the track was repaired; this work necessitated the putting in of about 3500 new ties. During the year 1908 new special work was put in at the Sherman House, in Brooklyn Square, at the Boat Landing, at the junction of Third street and Prendergast avenue, and in front of the car barns. The company has ordered new special work for the crossing of the Erie railroad tracks at the foot of Main street, and for the crossing on Ashville avenue. It has received estimates for special work at eight different points.

There are no especially dangerous conditions of track on this railroad, but comfort of passengers as well as economy in operation requires that the track through Ashville avenue be entirely reconstructed, from the Erie Railroad crossing to the city line, and that repairs on different portions of the track be made as suggested above. A number of pieces of special work should be renewed in the near future.

The Main Street crossing of the Erie railroad and the crossing of the Jamestown, Chautauqua and Lake Erie should be equipped with metal troughs on the trolley wires extending over the crossing. No recommendations are made for these improvements and betterments, as the general manager of the company has given assurance that they will be made in the near future.

Respectfully submitted,

C. R. BARNES,

Electric Railroad Inspector

LEWISTON AND YOUNGSTOWN FRONTIER RAILWAY.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On May 22, 1909, I made an inspection of the Lewiston and Youngstown Frontier railway and submit:

This road is single track and extends from Lewiston to Youngstown, a distance of 7 miles; 5 miles of track are located on private right of way and 2 miles on streets and highways. The track is constructed of 60-lb. T and 9-in. 90-lb. girder rail, laid in 1896; ties are cedar, 6 to 7 in. face; joints are fish plates, 4 bolts. The maximum grade is 7 per cent for ½ mile. There is 1 grade crossing of steam railroad track.

The company owns 9 cars: 2 closed, 5 open, 1 freight box car, and 1 freight flat car. The closed cars are heated by electricity, equipped with oil and electric headlights and sand-boxes. The open cars are equipped with sand-boxes. All cars have single chain hand brakes. The car barn is a one story wooden building 100 x 150 ft. located in the village of Lewiston; it contains 2 tracks with pits under one.

This railroad is operated by the Niagara Gorge Railroad Company, and power for its operation is furnished by that company.

At Youngstown the company owns Rumsey Park, consisting of 18 acres of white oak grove.

Since the date of the last inspection, August 23, 1900, a 3-bent trestle has been filled in; the track has been entirely re-ballasted, and new ties put in where needed; a brick station building has been erected at the Youngstown terminus, and a loop track constructed at that point.

The track of this road is at present in first-class condition and no recommendations are necessary for its improvement. Cars are all in good condition. The dangerous feature in the operation of this railroad is a heavy grade in the village of Youngstown; cars come to a stop at the top of this grade and all necessary precautions are taken in operation.

Respectfully yours,
C. R. BARNES,
Electric Railroad Inspector.

NEW YORK CITY RAILWAY.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On April 18th I made an inspection of the New York City railway. I was unable to definitely locate all the tracks of this company, but was informed that it owned the track through Pierpont avenue and North Columbus avenue in the city of Mount Vernon, also through the White Plains road from Mount Vernon city line to Waverly Square, and from Bailey's Corners to North Pelham. This road is all single track, constructed of 7-in. girder rail. The track through Pierpont avenue is in fair condition, except that a portion of the rail is above the level of the driveway. Through North Columbus avenue to the city line the track is in very poor condition; a sewer has recently been constructed through this street and the track re-laid over it, with the result that the alignment and surface is such that cars are frequently derailed. The track through the White Plains road from the city line to Waverly Square is in somewhat better condition than that on North Columbus avenue, but needs repair as the surface and alignment are poor. The track from Bailey's Corners to North Pelham is also in poor condition of surface and alignment and needs repair.

The overhead structure is in very poor condition: greater portion of the poles are rotted and should be replaced; a large number of the span wires are attached to trees, and in some places there are none; the trolley wire at several points is so low as to endanger street traffic.

The Westchester Electric Railroad Company operates its cars over the tracks of this company. The receiver of the Westchester Electric company gave assurance that he would immediately put the track through North

Columbus avenue in safe operating condition. In addition to the repairs to be made by the receiver of the Westchester Eletric company, this company should immediately comply with the following recommendations:

All the track owned by the New York City Railway Company should be immediately repaired, low joints picked up, and tracks aligned; all the defective poles should be replaced by new ones; all the defective span wires should be replaced and new ones put in where needed; the streets through which this company's tracks are constructed should be repaired between the rails and 2 feet outside, bringing the surface of the street flush with the top of the rail.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

NEW YORK, WESTCHESTER AND CONNECTICUT TRACTION RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On April 18th I made an inspection of the New York, Westchester and Connecticut Traction Company's railroad and submit:

This company's track extends from the Mount Vernon depot of the New York, New Haven and Hartford railroad to the boundary line of North Pelham, a distance of 3.04 miles. The Westchester Electric Railroad Company operates its cars over the track of this company from the New York, New Haven and Hartford depot on North Third avenue to Lincoln avenue, a distance of 1500 ft. The New York City Railway Company operates its cars over the entire line of this company, from the depot of the New York, New Haven and Hartford railroad to the boundary line of North Pelham, a distance of 3.04 miles.

This company owns no cars, nor does it operate any. On account of inability at the time of the inspection to definitely locate the track of this company, and as it is all operated by the Westchester Electric Railroad Company and the New York City Railway Company, the report on the inspection of the track of this company is included in the inspection report of the two companies above named.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

NIAGARA GORGE RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On May 22, 1909, I made an inspection of the Niagara Gorge railroad and submit:

This road is double track and extends from Niagara Falls to Lewiston, a distance of 7.1 miles. On account of damaged track caused by ice and high water, operation on it was suspended April 8th, and resumed between Niagara Falls and Whirlpool, 3½ miles, May 25th. Since that date a 30-minute service has been operated between these points from 8 a. m. to 8 p. m. The ice and high water displaced the ties and rails between the Whirlpool and what is known as No. 1 bridge, a distance of about three miles; the track at several places between these points was thrown into the river, and other portions of it raised on top of the ice gorges, and at points 50 ft. above the roadbed. A large number of the rails were badly bent. The stringers on a number of the smaller openings were washed away. The roadbed was not seriously injured, except for a portion of the distance where the shoulders were washed out and the river wall damaged.

April 18th the company commenced to repair the track and employed an average of about 200 men, with a maximum of 280; on the day of the inspection there were 214 men at work. In the reconstruction of the track

the company used 198 new poles, and when completed will have used about 3200 ties. On the day of the inspection the company had practically completed the reconstruction of a single track between the Whirlpool and No. 1 bridge, about 3 miles.

The company will, commencing Sunday, May 23rd, operate through cars between Niagara Falls and Lewiston; these will be run on a 30-minute headway; the running time 7.1 miles, will be 45 minutes. Men will be stationed at each end of the single-track portion of the line to signal cars entering upon the single-track section.

During the summer season of 1908 a section force of from 25 to 28 men was employed; this force used a work car and a derrick car. About 2400 new ties were put in the track; 1¾ miles of guard-rail were placed in position; about 25 tons of new 30-ft. rail were laid. Eight new motor trucks were purchased; 2 sets of air brakes have been placed on motors and 12 trailer cars equipped with air; all trailer cars have been equipped with new draw-bars; 8 cars have been painted and 7 varnished; the company is at present building 6 new trailers which will be ready for service July 1st.

The portion of track which was practically destroyed has been reconstructed by the re-laying of a single track; this track is at present in safe condition for slow-speed operation, but is not in first-class condition; a large amount of work is necessary to put it in that condition; there is serious lack of shoulder in a number of places and a large amount of work must be done on the river walls. There are a number of small openings which have been temporarily rebuilt with dry wall abutments; these eventually should be replaced with concrete culverts or steel stringers on mason work or concrete abutments. The second track between the Whirlpool and No. 1 bridge should be put in operating condition as soon as possible.

A discussion of the conditions on this railroad with the general manager of the company show that he fully realized the dangers incident to the operation of this railroad in its present condition, and his assurances are given that cars would be operated only on slow speed until all of the track is put in first-class condition, and also that the force of men employed on the day of the inspection would be continued until the second track is reconstructed and all necessary repairs to the track, roadbed, and river walls are made.

This company is to be commended for the energy displayed by it in the reconstruction of that portion of its railroad which was damaged by the unusual high water and ice: a portion of its track was lifted on top of ice at places 50 ft. high; other portions of it were found in the river, rails twisted out of shape. As soon as possible the company put on a large force of men and practically built a track by cutting through the ice, instead of delaying the opening of the road until the ice melted away, all of which cost a large amount of money.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

OGDENSBURG STREET RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On May 14, 1909, I made a supplementary inspection of the Ogdensburg Street railroad and submit:

The original inspection of this system was made October 22, 1902, and a report containing data as to construction of track, description of cars, equipment of power house, etc., can be found in the report of the Board of Railroad Commissioners, Volume I, 1902, page 897.

The tracks of the Hospital Line along Porter avenue and on the Boulevard, 1½ miles, is in poor condition of alignment, with low joints, and a large number of new ties are needed on this section of track. The track through Ford street from the railroad bridge to Clark street, ¾ mile, is in poor condition of alignment, with low joints; the special work of switches on this line is in poor condition. On Lake street the track over the bridge is

in poor condition, rail worn; company has new rail on hand to re-lay this track.

Since the last report a new track has been constructed through Rensselaer street and over the New York Central tracks, a total distance of about 1600 ft.; this track is in good condition.

From the junction of the track at New York avenue to the car barn the track is in very poor condition of alignment, with low and loose joints; this track should be immediately repaired. The King Street line through King and Main streets is in poor condition of alignment, with low and loose joints; this track should be immediately repaired. The track of the State Street line from Ford street to the terminus is in poor condition of alignment, with low and loose joints; this track should be repaired. The spur track to the Rutland depot, extending from Ford street about 1000 ft. in length, is in poor condition of alignment, with low and loose joints; this track should be repaired.

Since the last report the company has constructed about ¼ mile of new track on Ford street.

The company maintains a force of 2 section men; 400 ties and about 90 new poles have been ordered.

With the exception of the new work through Ford street and on the loop, all the track is in poor condition and should be repaired; the rail is fair and most of it can be re-laid. All the ties ordered will be put in on the Hospital line; work will be commenced as soon as they arrive. The new poles ordered will be set on the Hospital line. On the arrival of the ties and poles a sufficient force will be employed to properly repair this line. It is the intention of the company to repair the other portions of the track with the ordinary section force.

Six open cars were being painted on the day of the inspection. All the closed cars are in very poor condition and badly worn. The open cars are in fair condition.

There are no especially dangerous features on this road, but the whole of the track, with the exception of the new work through Ford street and on the loop, should be repaired. Some provisions must be made by the company for the purchase of new closed cars or the proper repair of the old ones.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

SCHENECTADY RAILWAY.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: The cars of the Schenectady-Troy division of the Schenectady Railway Company are operated through Sixth avenue in the city of Watervliet; there are double tracks constructed through the center of this street. Sixth avenue is carried over a small creek known as Dry River brook on a brick arch culvert. On February 21, 1909, this culvert was washed out and the street damaged to the extent that the north track was displaced. February 25, 1909, the railway company constructed a temporary structure carrying its north track over the damaged culvert and commenced operation of both tracks on February 26th. August 6th the city authorities placed barriers across the street on either side of the culvert, preventing the operation of cars on either track or the passage of vehicles on the street. Since that date passengers on the Schenectady-Troy line of the Schenectady railway have been obliged to transfer, walking from 350 to 400 ft. in making this transfer. Cars on this branch of the company's system are operated on a minimum headway of 10 minutes.

I am informed that the action of the City in placing the barriers across the street was based on the claim made by it that the railway company should repair the damaged culvert. The railway officials claim that they are under no obligations to do this. This transfer causes serious inconvenience

to a large number of people using the electric cars, especially during inclement weather. This interruption to travel should be remedied as soon as possible. With the present condition of the south track and the temporary structure on which the north one is laid, cars in slow movement can be operated safely on either tracks over the culvert.

Respectfully yours,
C. R. BARNES,
Electric Railroad Inspector.

ST. LAWRENCE INTERNATIONAL ELECTRIC RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On May 15, 1909, I made an inspection of the St. Lawrence International Electric Railroad and Land Company's railroad and submit:

The last regular inspection of this railroad was made November 20, 1902, and a report, including data in reference to construction of track, description of equipment, power house, etc., can be found in Volume I of the report of the Board of Railroad Commissioners for 1902, page 928.

This road was constructed in 1901 and since that date there has been very little maintenance work done on it. The track at present is not in dangerous condition for the class of cars operated and the speed at which they are run, but it is in very poor condition of surface and line and requires a considerable amount of ballast and a large number of new ties. There are 4 small structures, all with pine stringers on mason work abutments; these are at present in safe condition, but should be replaced with concrete arch culverts or steel stringers. I am informed that the company has on hand 800 ties and that it will put on a proper force of men this spring as soon as the track settles and put in new ties on curves and other places where necessary, also that it will surface, align, and ballast 3 miles of track this summer. The company maintains a track force of 2 men and a foreman.

The company has only 2 cars available for passenger service, 1 open and 1 closed; the closed car was in operation on the date of the inspection and was in very poor condition; the body of the car needs repairs, paint and varnish. Assurances were given that the open car would be put in proper condition before being placed in service this spring. The closed car should be entirely overhauled, repaired, painted and varnished during this summer season.

The track and roadbed of this system have been neglected in the past, necessary repairs have not been made, and while they are not in dangerous condition for slow-speed operation, safety requires that the assurances given by Mr. Martin, who is in charge of the operation of the road, that 800 new ties would be put in this summer and 3 miles of the track ballasted, surfaced, and aligned, should be carried out.

These improvements are so necessary that the following recommendations are made: That the St. Lawrence International Electric Railroad and Land Company improve its track, commencing as soon as weather conditions permit, by placing not less than 800 new ties in the track on curves and other places where needed, and that it surface, ballast, and align not less than 3 miles of track during the summer season of 1909; that this company purchase at least one new car and that the two cars at present owned be overhauled, repaired, painted and varnished, the closed car to be repaired during the summer season of 1909, and the open car during the winter season of 1909–10.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

TARRYTOWN, WHITE PLAINS AND MAMARONECK RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On April 17th I made an inspection of the Tarrytown, White Plains and Mamaroneck railroad and submit:

This railroad has 27¼ miles of single track located on streets and highways in the city of Mt. Vernon, village of Bronxville, town of Eastchester, town of Scarsdale, town of White Plains, town of Greenburgh, village of Tarrytown, town of West Harrison, town of Harrison, and the town of Mamaroneck. In the city of Mt. Vernon there are 1½ miles of track, in the village of Bronxville 1 mile, town of Eastchester 2¾ miles, town of Scarsdale 2¾ miles, town of White Plains 3 miles, town of Greenburgh 5¾ miles, village of Tarrytown 1½ miles, town of West Harrison ½ mile, town of Harrison 1 mile, town of Mamaroneck 3¼ miles.

The construction for the track is as follows: the Tarrytown line is 70-lb. T rail from Hopkins avenue and Central avenue, laid in 1907; Silver Lake Park line 45-lb. T rail, laid on Lake street and Harrison avenue in 1908; Mamaroneck line T rail, laid when line was built; Mt. Vernon line 6-in. Grove rail, laid when line was built; Westchester Avenue line 6-in. Grove rail, laid when line was built.

On the line there are 3 steam railroad tracks: 1 is over and 2 on grade. The track is constructed on streets and highways and conforms to the surface of the same; the maximum grade is 15 per cent for 28 ft.

The company has available for operation 30 cars, owned by the Union Railroad. The company has recently purchased 25 double-track box cars, 45 ft. over all, equipped with 2 Westinghouse 310 motors 65 horsepower each, air brakes and sand-boxes. This company owns one car barn, located in the village of White Plains on Central avenue near Robertson avenue; it is a brick structure 65 x 125 ft., equipped with 5 tracks, with pits under 2, and a storage capacity of 20 cars; in this barn there is a repair shop with electric equipments, where light car repairs and armature winding are done. There is a sand-drier in the rear of this barn. All cars are inspected and cleaned in the car barn, by 4 men at night and 5 in the daytime.

The operating service consists of a superintendent, 2 inspectors, 2 starters, and a maximum of 42 motormen and 42 conductors. All conductors after breaking in have to be O. K'd by a conductor known as the chief conductor; also the motormen. The company has a book of rules which is distributed to the employees.

There are four lines of cars operated: the Mt. Vernon line, village of White Plains to city of Mt. Vernon, a distance of 9½ miles, operating 6 cars on a 20-minute headway for 20 hours; the Tarrytown lines, Silver Lake Park to Tarrytown, a distance of 8 miles, 6 cars operating on 20-minute headway for 18 hours, and Depot Square, White Plains, to Tarrytown, a distance of 6 miles, operating 4 cars on 10-minute headway for 9 hours; the Mamaroneck line, White Plains to the town line of Larchmont, a distance of 8½ miles, operating 5 cars on a 20-minute headway for 18 hours; the Westchester Avenue line, White Plains depot to Bloomingdale Asylum, a distance of 1½ miles, operating 1 car on 20-minute headway for 18 hours.

The company regularly employs 10 men in track and overhead maintenance; additional force is put on as occasion requires; during last summer season a maximum of 15 men was employed.

During the summer season of 1908 the following improvement in the physical condition of the property was made: Tarrytown line, on Lake street from Broadway to Harrison avenue, a distance of 2775 ft., new 7-in. Trilby rail laid.

The company buys its power; is furnished from the New Rochelle power station of the Westchester Lighting Company, and is transmitted to the transformer station at Central and Hopkins avenues in White Plains at 13,200 volts; it has available sufficient power for maximum operation.

The maximum number of passengers carried in one day during the summer season of 1908 on each line was as follows: Tarrytown lines 4685, Mamaroneck line 2675, Mt. Vernon line 5923, and Westchester Avenue line 413. A universal transfer system is enforced, transfers being given between all lines.

On the Mount Vernon line from the Scarsdale town line and from the terminus of the Westchester Electric Railroad track to the upper town line of Scarsdale, the track is in fair condition, except that there are a number of low joints which should be picked up: along this section of track the overhead structure should be rebuilt, including new poles; from the upper Scarsdale town line to Graves street and Post road, 6600 ft., the track is in very poor condition, rail worn, and surface and alignment poor: this section of track should be entirely reconstructed; from Graves street to Railroad avenue in White Plains the track is in fair condition, except some low joints which should be picked up. On the Silver Lake branch the track through the Park in White Plains is in poor condition and should be reconstructed, including new poles; the other portions of this line are also in poor condition, except the 58-lb. T rail; same condition of overhead structure as through the Park. On the Mamaroneck branch the 9-in. girder rail through the town of Mamaroneck is in good condition; the 7-in. girder rail track through the village of Mamaroneck is in poor condition of surface and alignment; the T rail portion of this track is in fair condition, but about 4 miles of it needs a large proportion of new ties; the surface and alignment on the whole of the track on this line should be improved; a large number of new poles is required to replace defective ones on this branch. On the Tarrytown branch the track from White Plains to Tarrytown has been reconstructed with 70-lb. T rail and new ties.

The receiver of this company has recently ordered 25 new cars which when received will replace all the cars at present operated; these cars are expected during the early part of this summer. As indicated above, a large portion of the track of this railroad needs repair, and 6600 ft. of it on the White Plains–Mount Vernon line should be entirely reconstructed. About 300 new poles should be put in on the different divisions, replacing defective ones. Safety of operation would be increased and the movement of cars facilitated if the White Plains–Mamaroneck and White Plains–Tarrytown branches of this railroad were equipped with a telephone system. Assurances have been given by the receiver of this company that the necessary repairs indicated in this report would be made.

As some of the betterments suggested involve the expenditure of considerable money, definite recommendations are made in this instance as follows: That the track of the Mount Vernon division from the upper Scarsdale town line to Graves street and the Post road, a distance of 6600 feet, be entirely reconstructed; that all the defective poles be replaced by new ones; that the main line be equipped with a telephone system.

Respectfully submitted,
C. R. BARNES,
Electric Railroad Inspector.

WESTERN NEW YORK AND PENNSYLVANIA TRACTION RAILROAD.

J. S. KENNEDY, *Secretary,*
Public Service Commission, Second District:

DEAR SIR: On May 21, 1909, I made an inspection of the Western New York and Pennsylvania Traction Company's railroad and submit:

On the Bolivar line 2 concrete culverts have been put in since the date of the previous inspection; a considerable amount of track work has been done in surfacing and aligning and a number of new ties have been put in. The track on this line is not in dangerous condition for the character of traffic over it, but the speed of cars could be materially increased if the track and roadbed were improved. This the company intends to do; assurances were given by the officials of the company that this summer the Bolivar line, which is 18 miles in length, would be entirely re-ballasted, surfaced, and aligned; seven thousand to ten thousand new ties would be put in; and the company expected to spend about $15,000 in improving conditions. There are 2 grade crossings of steam tracks on this division, one a dead track which formerly extended to a tannery: this crossing should be taken out.

On the Bradford-Rock City division the track is in first-class condition. No suggestions for improvements on this division are made, except that the bridge and trestle over the Allegheny river should be equipped with guard-rails.

On the Bradford-Carrollton division in Limestone, the track crosses at grade 6 switch tracks which are owned by a tannery company; the view in each direction of these tracks is unobstructed; only switching movements are made over the steam tracks, and this is done by an engine owned by the tannery company; there is no protection at these crossings and none is suggested; electric cars slow down before going over these tracks. Near Carrollton the track of this line is carried over the highway, the Buffalo, Rochester and Pittsburgh railroad, and the Allegheny river on a steel structure, 2 pony truss bridges and a through bridge, all in good condition and equipped with guard-rails and a rail laid between the traction rail to prevent motor cases from dropping and derailing a car. This division has been constructed since the date of the last inspection; it is 11 miles in length, 7 miles of which are in New York state; the track is in first-class condition.

On the Salamanca–Carrollton division the track is constructed on a through bridge over Great Valley creek: this bridge is in good condition; it should be equipped with guard-rail. This track crosses at grade the track of the Buffalo, Rochester and Pittsburgh near Salamanca: the crossing is equipped with derail, and should be equipped with a metal trough on the trolley wire extending over the crossing. This division is 8½ miles long. The track is in fair condition, but there are a number of low joints which should be picked up; only ordinary section gang repairs are needed.

The Salamanca–Little Valley division, 8½ miles long, has been constructed since date of last report; it is 70-lb. T rail, all in good condition. On this line there are 3 pony truss bridges and 1 through bridge; this latter over the Erie railroad and it should be equipped with guard-rail.

The West Salamanca line, 1½ miles long, has been constructed since the last inspection; it extends through Broad street in Salamanca, and crosses at grade an abandoned switch track which formerly connected with the Pennsylvania railroad; the track of this line is in first-class condition.

The Salamanca main line track in Salamanca is constructed on a through bridge and a pony truss bridge over the Allegheny river; these bridges are in good condition. Between Carrollton and Olean the track crosses at grade a single track of the Erie railroad: the crossing is properly protected with derails and a metal trough; also at grade two tracks of the Pennsylvania railroad: the crossing is equipped with derails, and should be equipped with metal trough on the trolley wire. In the village of Allegany this track crosses at grade a switch track which extends from the Pennsylvania railroad to the tannery: as only switching movements are made over this crossing no protection is suggested. In the city of Olean the track through State street is in poor condition, with low joints which should be repaired. The roadbed from Carrollton to Olean in a number of places lacks shoulder on the fills; these should be widened out. This track needs only ordinary maintenance repairs.

With the exception of the track of the Bolivar division and the track through State street, the track of this system is all in good condition, a large portion of it in first-class condition. The company's plans contemplate the expenditure of a sufficient amount of money to place the Bolivar line in proper operating condition; when this is done the speed of cars operated on this division can be materially increased.

The suggestions made in this report, such as guard-rails on bridges and structures and metal troughs at grade crossings of steam tracks, have been discussed with the officials of this company and assurances were given by them that these improvements will be made. For this reason no recommendations are made in this report.

Respectfully submitted,

C. R. Barnes,

Electric Railroad Inspector.

THE STREET RAILROAD PROBLEM IN SCHENECTADY.

To the Public Service Commission, Second District:

GENTLEMEN: In the matter of the complaint of the Citizens Committee of the City of Schenectady against the Schenectady Railway Company, and referring to that portion of the complaint in reference to improper transportation facilities furnished by that company and different plans submitted for changes in trackage, waiting room, etc., in the city of Schenectady, I have made an investigation of the street railroad traffic conditions in the city and submit statistics in reference to increase in population of the city, extension of street railroad system, etc.

For the proper consideration of the present traffic conditions, information in reference to the causes which have brought about such conditions is considered pertinent. For this reason the statements A, B, and C are attached.

Statement A: This statement shows the population of the city of Schenectady in the year 1892 and some of the succeeding years to and including 1909, and the per cent of increase in population during those years; miles of road operated for each of the above years; number of cars, open and closed, owned each year; car mileage operated during the years 1895 to and including 1909, and the increased or decreased percentage of same; number of passengers carried, including transfers, and per cent of increase or decrease for each year from 1892 to and including 1909; passengers carried on transfers, and per cent of increase for each year, 1900 to 1909 inclusive; city taxes paid by the railroad company each year, 1892 to 1909 inclusive, and the amount of assessment made on the company for paving each year, 1898 to 1909 inclusive.

Statements B and C, in reference to present length of track, different car lines operated, number of cars in congested district, etc.: Statement B shows the number of regular and extra cars, in both directions, run over the tracks on State street and passing the waiting room between 5 and 6 p. m. Statement C contains statistics showing length of track in the city of Schenectady and interurban lines, with details of construction and length of same in each street in the city; physical conditions affecting operation; description of each line of cars operated on the city system, showing length of route, streets through which they are run, headways on which cars are operated, number of cars required in service, and number of additional cars operated during rush hours on each line; streets through which more than one line of cars is operated causing congestion of traffic and delay to car movement; also points to and from which there is at times unusually heavy traffic.

Deductions from Investigation.

After careful investigation of the traffic conditions in the city of Schenectady the following deductions are made:

1. The Schenectady Railway Company is not at present, during certain hours of the day, furnishing proper facilities to accommodate travel.

2. With the present track limitations resulting in congestion on State street, it is impossible for the company to furnish proper and sufficient service during the rush hours.

3. Certain sections of the city are not properly provided with transportation facilities.

4. Unless the system is extended in the near future so as to relieve the present congestion on State street and permit the operation of more cars on the different lines, and to furnish traffic facilities for portions of the city which at present have none, the welfare of the city will be materially affected and its growth retarded.

The traffic conditions from which the above deductions in reference to insufficiency of service are made, and the inconveniences caused by such conditions, are so well understood by the residents of Schenectady and the officials of the Railroad company as to require no argument in justication of their being made.

All interested are agreed that the present service is inadequate during certain hours of the day and that this condition is largely the result of con-

gestion of traffic on State street. All are desirous that this congestion should be relieved and more cars operated on the system.

In order to suggest relief for this congestion a study of its causes must be made.

Causes of Congestion.

At the time of the electrification of this railroad, in 1891, the largest industrial institution in the city was the General Electric Company. The greater portion of the travel on this road at that time was to and from these works. Nearly all of this travel passed over the State street tracks. Practically the same conditions exist at present.

Every line of cars, both local and interurban, operated in the city of Schenectady, passes over some portion of the tracks on State street between Crescent park and Washington avenue, and all of them, in both directions, pass the waiting room on State street. There are 133 cars passing the waiting room during the evening rush hours. These, in addition to the vehicular traffic on the street, cause a congestion which seriously delays car movement and limits the number of cars which can be operated on the various lines throughout the city. Any cars added during the rush hour to the present service would be a detriment rather than an aid to the movement of passengers during those hours.

The single track extending from State street through Washington avenue to the north side of the Mohawk river, a distance of 1990 feet, over which the cars of the F., J. & G. railroad and the Albany Street-Scotia lines are operated in both directions, is a limiting condition regulating the number of cars which can be operated on these lines.

The single track on Soutn Center street from State street to Smith street, a distance of 480 feet, over which the Broadway and Campbell avenue line cars pass in each direction, and the additional switching movement made by interurban and other cars in using the Y at that point, are not only serious obstacles to the free movement of cars but also seriously interfere with foot and vehicular traffic on State street.

The single track on Lafayette street from State street to Union street, a distance of 1750 feet, over which the Saratoga (interurban) cars, the Rexford Flats, Aqueduct and VanVranken avenue cars run in each direction, causes serious delay to traffic, which is still further complicated by the fact that all cars on this street are required to make a safety stop before going on to State street.

The safety stop necessary at the foot of Crescent Park on State street due to the heavy grade at this point adds its share to the causes of congestion on State street.

The location of the waiting room on State street, where cars on all lines both local and interurban load and unload passengers, not only adds to the causes of congestion of cars but results in serious crowding and inconvenience to passengers in boarding and alighting from cars at that point.

Another serious cause of congestion on State street will be observed by an examination of a map of the city of Schenectady on which the street railroad lines are shown. It will be seen that the tracks of this railroad extend from State street in fan shape, the different lines of the system diverging from that street covering a large area of the city in all directions and extending into the suburban sections.

As the neck of a bottle limits the time in which it can be filled, so conditions on State street limit the number of passengers which can be carried into the various sections of the city through which both local and interurban cars are run.

In addition to the above physical conditions which tend to retard free car movement and cause congestion on State street, the employees of the General Electric Company leave the company's works between 5 and 5:30 p. m. The maximum number of employees in this institution previous to the business depression of 1908 was 17,000. It is estimated that an average of 2600 of these employees use the cars of the company from the works in the evening, daily, and during inclement weather that number is increased to about 3500.

The company is obliged to start this traffic from the works in about twenty minutes. To accomplish this, in addition to the regular cars on the different routes, the company stores 39 extra cars on tracks adjoining the works.

All of the present facilities of the company, trackage and equipment, are utilized to the fullest extent to provide transportation for this increased traffic, which is distributed on all of the lines of the system. The extra cars must be run to the termini of the different lines, and can not be returned in time to be available for the additional heavy traffic caused by the closing of stores, offices, and other industrial establishments at 6 o'clock. The extra cars are not only unavailable for this traffic, but in returning from the outlying termini of the various lines seriously interfere with it, especially on single tracks.

While nearly as many passengers are carried in the morning hours, this traffic does not cause as serious congestion as in the evening. It extends over a longer interval, and the extra cars used when arriving at the General Electric works are stored there and do not seriously interfere with regular car movement.

In reference to the third deduction, that "certain sections of the city are not properly provided with transportation facilities," that section of the city lying between State street and the Mohawk river from Washington avenue to the American Locomotive works, a district averaging 2500 feet wide and 5000 feet long, composing the larger part of the first and third wards of the city, has practically no street car facilities. This territory is thickly populated, nearly all of which is a residential section. At one end of it is located the American Locomotive works, which during times of business activity has had 8000 employees. The nearest car track to this plant is at the corner of Park place and Nott street, a distance of 1600 feet from the office of the Locomotive works.

Additions to Trackage of System Necessary for Proper Transportation Facilities.

The above deductions and statements set forth the facts that the Schenectady Railway Company is not at all times furnishing proper transportation facilities to its patrons, and it is not furnishing any transportation facilities to a large and thickly populated section of the city; also, that during the rush hours the company is unable to furnish additional facilities on account of track limitations.

The means of relief from the above conditions are apparent: namely, more trackage through streets parallel with those on which congestion at present occurs, or additional trackage through streets which will permit of routing cars in a manner to relieve the congested points, and the construction of tracks through streets in the section of the city which at present has no street railroad facilities.

Were there no other questions to be considered than the one of directing the company to construct the necessary additional tracks and provide the additions to its equipment sufficient for proper transportation of its passengers, the problem would be easy of solution, as the Public Service Commission could under its authority cause the company to do both. This, unfortunately, is not the case, as there are a number of obstacles to be overcome in the construction of the necessary trackage regardless of the attitude of the company on the subject.

Difficulties to be overcome in rearrangement of tracks and construction of new ones necessary to provide transportation facilities and relieve present congestion: Statements in this report show that the city of Schenectady has increased in population from 22,000 in 1892 to 77,000 in 1909. This increase in population has resulted in an extended outlying area being built up. Practically no change in the width or location of streets in the business section has taken place during that time, with the result that the city has outgrown all of its downtown or business streets, with the possible exception of upper State street. A number of the crosstown streets in the business section should have been rearranged, widened, and straightened in the past to accommodate the necessities of increase in population. This neglect on

the part of the city in the past has resulted in congestion in the business section and has confined the mercantile business to practically two or three streets. These narrow streets also prohibit the construction of a crosstown street car line which is necessary for the proper transportation of passengers in the city.

In addition to the obstacles to be overcome on account of the width of the streets, other physical conditions exist which still further prevent the relief of the congestion by a construction of additional trackage: namely, a large portion of the city is divided into districts by hills, which are separated one from the other by steep inclines on which it is impossible to operate an electric railroad.

Another serious obstacle to the construction of a proper railroad system in this city is the Vale Cemetery, situated in the geographical center of the city, extending a distance of 4000 feet between State street and Eastern avenue, through which there are no crosstown streets.

The grounds of the Union College, which are quite extensive and in a central location, through which no cross streets have been opened, also in a lesser degree add to the complications in the construction of a proper street railway system in this city.

Plans for additional trackage necessary to relieve congestion on State street and furnish transportation facilities in sections of the city where at present such facilities do not exist: In preparing these plans two results are sought to be attained: one, the relief of congestion on State street; the other, the furnishing of needed facilities for the section of the city between State street and the Mohawk river, which includes the American Locomotive works.

Practically two plans are submitted, each intended to accomplish one of the above objects. The plans are designated A and B, with subdivisions of same designated by numerals. Plan A is designed to relieve congestion on State street; Plan B to furnish new transportation facilities to the section of the city above referred to, and incidentally relieve to some extent the congestion on State street.

Plan A With Subdivisions.

Plan "A 1": *The construction of double tracks through Edison avenue from Washington avenue to South Center street.* Edison avenue between Washington avenue and South Center street, a distance of 1950 feet, is a wide street, and there are no physical conditions which would prevent the construction of double tracks through it. It is understood that a franchise has been granted the company for the construction of tracks through this street and that construction work will soon be commenced.

Plan "A 2": *The construction of double tracks through Smith street from South Center street to Veeder avenue; also a single track through Lafayette street from Smith street to State street, and a single track through Veeder avenue from Smith street to State street.* Smith street from South Center street to Veeder avenue, a distance of 1228 feet, is 30 feet between curbs. Lafayette street from Smith street to State street, a distance of 540 feet, is 21 feet between curbs. Veeder avenue between Smith street and Albany street, a distance of 750 feet, is 20 feet between curbs.

Plan "A 3": *The extension of Clinton street from Hamilton street to South Center street, and the construction of double tracks from Smith street to South Center street.* This proposed extension of Clinton street would be 813 feet long, and could be made through property on which at present there are no comparatively valuable buildings.

There are no physical conditions on this proposed extension which would prevent the safe operation of electric cars.

Plan "A 4": *The construction of a second track in South Center street between Smith street and State street.* South Center street between Smith and State streets, a distance of 480 feet, is 25 feet between curbs. There is at present a single track through this portion of the street, which connects with the tracks in State street with a Y. By setting the curbs back 2½ feet on each side of the street it would be possible to lay the second track.

Plan B With Subdivisions.

Plan "B 1": *The construction of double tracks through Church street from State street to Union street, and the construction of double tracks through Union street from Washington avenue to Nott Terrace.* Church street from State street to Union street, a distance of 500 feet, is 36 feet between curbs. Union street from Washington avenue to Nott Terrace, a distance of 4400 feet, is 34 feet between curbs.

Plan "B 2": *The construction of double tracks through Church street from State street to Front street, double tracks through Front street from Church street to the Erie canal, double tracks across the Erie canal, and through Nott street from the Erie canal to Park place.* Church street from State street to Front street, a distance of 940 feet, is 36 feet between curbs. Front street from Church street to the Erie canal, a distance of 3370 feet, varies in width from 20 feet to 48 feet between curbs. Nott street from the Erie canal to Park place, a distance of 1320 feet, is 32 feet between curbs.

The construction of double tracks through Front street could only be accomplished by widening the driveway in places. This could be done on portions of the streets by setting the curbs back at points where the sidewalk is extremely wide. At some places it would be necessary to widen the street. This could be done at a moderate expense.

The bridge across the Erie canal is not suitable for electric car operation. A new bridge would be necessary, in a new location, in order to avoid the sharp curves on the approaches in its present location.

There are no conditions which would prevent the construction of double tracks through Nott street. A large portion of the abutting property on this street is owned by the American Locomotive Company.

Plan "B 3": *The construction of double tracks through Union street from Park place to North Jay street, double tracks through North Jay street from Union street to Nott street, and double tracks through Nott street from North Jay street to Park place.* Union street from Park place to North Jay street, a distance of 800 feet, is 34 feet between curbs. North Jay street from Union street to Nott street, a distance of 2200 feet, is 33 feet between curbs. Nott street from North Jay street to Park place, a distance of 1032 feet, is 32 feet between curbs.

The physical conditions are favorable for the construction of double tracks through all of the above streets.

Plan "B 4": *The construction of double tracks through South avenue from Park place to North Jay street, double tracks through North Jay street from South avenue to Nott street, and double tracks through Nott street from North Jay street to Park place.* South avenue from Park place to North Jay street, a distance of 760 feet, is 40 feet between curbs. North Jay street from South avenue to Nott street, a distance of 1340 feet, is 33 feet between curbs. Nott street from North Jay street to Park place, a distance of 1032 feet, is 32 feet between curbs.

There are no physical conditions existing on these streets which would prevent the construction of double tracks.

Plan "B 5": *The widening of Jay street between State and Union streets, and the construction of double tracks through Jay street and North Jay street from State street to South avenue.* Jay street from State street to Union street, a distance of 1530 feet, is 20 feet between curbs.

Plan "B 6": *The widening of South Center street and North Center street from State street to Union street, North Center street from Union street to Warren street, Warren street from North Center street to North Jay street, and the construction of double tracks through each of these streets.* South and North Center streets from State street to Union street, a distance of 1200 feet, are 17 feet between curbs. North Center street from Union street to Warren street, a distance of 500 feet, is 18 feet between curbs. Warren street from North Center street to North Jay street, a distance of 390 feet, is 17 feet between curbs.

Plan "B 7": *The construction of double tracks through Nott street from VanVranken avenue to Avenue B.* Nott street from VanVranken avenue to Avenue B, a distance of 600 feet, is 32 feet between curbs.

Plan "B 8": *The widening of Lafayette street between State street and Union street, and the construction of a second track through that street between those points.* Lafayette street from State street to Union avenue, a distance of 1966 feet, is about 23 feet between curbs.

There is a single track at present through this portion of the street.

Rearrangement of tracks at the foot of Crescent Park: In addition to the above plans, a rearrangement of track layout should be made at the foot of Crescent Park, connecting the present tracks on each side of the Park by a single track curve and other minor changes necessary for convenience in operation.

Plan presented by the Citizens' Committee: This plan contemplates a double track construction through private right of way from State street to Smith street, and the construction of an arcade depot fronting on Smith street with entrances to it from State street, all to be located on property owned by the company. The entrance on State street to the depot would be opposite Jay street. This plan further contemplates the construction of double tracks through Smith street.

This has been the subject of a special report, and for this reason is not discussed in this communication, except to state that from an operating standpoint the plan contains some objectionable features.

Relief from Congestion and Increased Traffic Facilities Resulting from the Plans Presented: While the adoption of any of the subdivisions of Plan A would in a degree relieve the congestion on State street, material relief can only be had by the adoption of this plan in its entirety. Were all of the subdivisions of Plan A adopted and put into execution, a rearrangement of car routes could be made which would in some cases furnish better lines of travel for the different sections of the city than the present one, and the number of cars which could be run on the system could be materially increased.

It would furnish additional double track leads from the General Electric works and double the loading and unloading capacity at this point. It would permit of cars being run during rush hours through Edison avenue, South Center street, to Broadway and Campbell avenues, avoiding State street and that section of South Center street between State street and Edison avenue. This would effect a saving of about one mile of travel to passengers living in the tenth ward, between the General Electric works and their destination.

By the adoption of this plan cars could be run direct from the General Electric works via Edison avenue, South Center street, Smith street, Lafayette street, and Veeder avenue, to points on State street above the congested district. It would permit extra local and interurban shop cars to be run from the General Electric works so as to avoid the congested district and in no way interfere with regular local and interurban cars on lower State street.

The Albany, Troy, and Saratoga regular cars could come into the city via State street to Center street, and proceed through Center street, Smith street, to Lafayette street, where the Saratoga cars could cross State street outbound, the Albany and Troy cars running to Veeder avenue and proceeding through State and Albany streets.

By means of this plan the wyeing of cars into Center street, with the delays to car and street travel incident to such operation, would be avoided which would greatly facilitate the free movement of traffic.

All of the city cars could be run one way on the proposed loop through Smith street, Lafayette street, or Veeder avenue. Routes could be so arranged that nearly all cars would be run to the retail shopping district. By this plan of operation it is estimated that 31 cars could be taken off State street in one direction during the evening rush hours. This would permit of material increase to the number of cars operated on the different lines.

In addition, by means of the proposed connection of tracks at the foot of Crescent Park the Albany and Troy cars could be turned at the Park if it were deemed advisable and not run down State street as they do at present. By this plan cars could also be turned at the Park in case of blockades on State street, which would add to the reliability of the service, especially in case of fire in the business section of the city.

Nearly all of the subdivisions of Plan B are alternative. The adoption of any of them would in a greater or lesser degree accomplish the object desired: namely, furnishing facilities where none exist at present, especially at the American Locomotive works, and incidentally help to relieve congestion on State street.

Plan "B 1": "Double tracking of Church street from State street to Union street, and Union street from Washington avenue to Nott Terrace," would permit of the running of both local and interurban cars which serve a large section of the city over this line and withdraw them from the congested part of State street. It would relieve the single-track condition on Washington avenue at the foot of State street. It would also serve that section of the city on either side of Union street between the New York Central overhead crossing and Lafayette street, which at the present time has no service.

It would relieve the congestion due to single-track operation on Lafayette street from Union street to State street. This could be accomplished by running cars through Union street, Church street, State street, and Lafayette street, forming a loop through the business section of the city.

Plan "B 2": "Double tracking through Church street from State street to Front street, Front street to the Erie canal, Nott street, the Erie canal, to Park place," is practically an alternate for Plan "B 1". The adoption of it would establish a new route through a section of the city which is thickly populated, and would furnish proper transportation facilities to the American Locomotive works. Cars that serve the southeasterly section of the city could be run via this route to and from the General Electric works. The Union Avenue cars could be run past the Locomotive works to the General Electric works, returning over the same route or through State street, as desired.

Plan "B 3": "Double tracking Union street from Park place to North Jay street, North Jay street from Union street to Nott street, Nott street from North Jay street to Park place," contemplates a loop for the purpose of furnishing service to the American Locomotive works. Its adoption would enable a line of cars to be operated past the works. This plan would also furnish service to a limited section of the city which at present has none, but would not cover as extended an area as Plan "B 1" or Plan "B 2".

Plan "B 4": "Double tracking South avenue from Park place to North Jay street, North Jay street from South avenue to Nott street, Nott street from North Jay street to Park place," would practically accomplish the same purpose as Plan "B 3," with the exception that it would not serve Union street between Park place and Jay street.

Its adoption would, however, not meet with the opposition of the residents of Union street with which Plan "B 3" would be met.

Plan "B 5," "Widening of Jay street". The widening of Jay street and the construction of double tracks through it between State and Union streets, and the extension of these double tracks through North Jay street to South avenue, taken in conjunction with Plan "B 4," would furnish facilities for a business section of the city which at the present time has no street car service. It would also furnish service to the American Locomotive works.

This plan if carried out would also furnish a crosstown thoroughfare of proper width, which at present is very much needed in this section of the city. With proper storage facilities for cars which could be provided, a sufficient number of cars could be banked to provide facilities for the evening rush hours at the Locomotive works. These cars could be sent out over the different lines of the system.

Plan "B 6," 'The widening of Center street and Warren street". This plan is presented as an alternative for Plan "B 5". Its adoption would not however afford the benefits to the railroad system and street traffic that would result from the latter plan.

Plan "B 7," "Double tracking Nott street from Van Vranken avenue to Avenue B". The construction of these tracks would aid to convenience in operation.

Plan "B 8," "The widening of Lafayette street," would materially relieve the congestion on State street, as there is at present one local and one

interurban line of cars operated over this single track. During the summer season extra cars are run over this track to and from two parks, causing unusually heavy travel on this street. This single-track operation causes delay on Lafayette street which is reflected on State street. In many cases traffic on State street is held up as a result of the blockades on Lafayette street.

The adoption of this plan would facilitate the movement of traffic and permit of more cars being run.

Remarks.

The construction of tracks through Union street would be of great benefit to the entire street railway system of the city, enabling the company to operate more cars on the different lines and furnish service where it is needed and not at present available. As this street is adjacent to and nearly parallel to State street, the construction of tracks through it would be of greater benefit than through any other street. But, as the sentiment on the part of the property owners is so unanimously opposed to tracks being laid in the street, no recommendation is made for their construction at this time.

The adoption of any of the above plans is dependent on the coöperation of the city authorities, the property owners affected, and the Railroad company.

There can be no question that some relief from present traffic conditions in the city of Schenectady is needed. As this relief can be brought about only by extensions of the tracks of the system, the only subject open to discussion is the most practical way of accomplishing this result. When this has been determined, no sentimental or reasonable financial considerations should prevent its execution at the earliest possible moment.

The interests of the city, the citizens, and the Railroad company, in the matter of proper transportation facilities, are mutual. The present inadequate facilities are a menace to the growth of the city and cause great inconvenience to the large number of people who are obliged to use the cars of the company daily at hours when they are crowded to an extent that a ride to or from business in comfort is almost impossible.

That the company suffers in a financial way from the present conditions is illustrated by the fact that of the 17,000 employees of the General Electric works, who live in all portions of the city and suburbs, only an average of 2600 use the cars of the company during the evening hours. The reason for this will be apparent to any person observing the crowded condition of cars leaving the works at that time. Another illustration of loss of revenue to the company caused by the present inadequate facilities is shown by the fact that of the 8000 employees of the American Locomotive works only a very small portion of them ride to and from the works, for the reason that they are obliged to walk 1600 feet to the nearest car line on which there is comparatively infrequent and indirect service.

Nearly all cars run on the system between the hours of 5 and 6.30 p. m. are so overloaded that there is no inducement for people to use them, and only those who are obliged to, do so.

That the company is not entirely at fault for the present conditions is shown in Statement A, attached. These figures are of interest, as they show that the increase in trackage and car mileage run has kept pace with the phenomenal increase in population of the city. The increase in trackage, however, has all been in the outlying sections of the city. No additional tracks have been constructed recently in the central or business section of the city.

These figures also show that neither the increase in trackage nor in car mileage has kept pace with the increase in passengers carried. This condition is reflected in the present overcrowding of cars and congestion of traffic which the company is unable to relieve on account of limited track facilities.

Conclusions.

The adoption of Plan A complete would furnish material relief for the congestion on State street and enable the company to add to the service on the different lines at present operated.

By coöperation on the part of the city authorities, the property owners interested, and the Railroad company, this plan could be put into operation in a reasonable length of time.

The adoption of Plan "B 5," "The widening of Jay street," would result in greater benefits to the city at large and to the street railway system than any of the others presented.

This involves large expenditures, which should not however prevent its adoption but may delay its execution. For this reason it may be deemed advisable to construct tracks as suggested in some of the other plans, but no matter which of these is adopted, tracks through Jay street would still be of great benefit.

The adoption of Plan "B 2": namely, the construction of double tracks through Church street from State street to Front street, double tracks through Front street from Church street to the Erie canal, double tracks through Nott street from the Erie canal to Park place, is suggested as the one next to the Jay street plan in importance. It would afford transportation facilities to a large number of people who are at present without such facilities.

If none of the above three plans is adopted, the construction of tracks through South avenue, Jay and Nott streets, as suggested in Plan "B 4," would furnish some necessary facilities to the Locomotive works.

All of the above is respectfully submitted for the consideration of the parties interested, with the following recommendations:

That Plan A complete, and some one of subdivisions of Plan B, preferably "B 5," or "B 2," be adopted.

Respectfully submitted,

C. R. BARNES,

Electric Railroad Inspector.

Statements A, B, and C mentioned herein are not published with this report. They are on file in the office of the Commission and may be consulted on application.

APPENDIX S

Reports of Inspectors of Steam Railroads for Year Ended December 31, 1909.

APPENDIX S

ADIRONDACK AND SAINT LAWRENCE RAILROAD.

Inspected November 16, 1909. Last previous inspection November 30, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Adirondack and Saint Lawrence railroad and respectfully submit the following report:

The Adirondack and St. Lawrence Railroad, a single-track line, connects with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad at De Kalb Junction and extends to the village of Hermon, a distance of 3.60 miles, and has approximately 2 miles of sidings and yard tracks. The general alignment of the road is very fair and most of the curves are light: the maximum is 12 degrees, located at Stellaville. The grades are steep and very much broken: the maximum is 237 feet per mile, for a distance of about a-quarter of a mile near Stellaville. The cuts and embankments are of fair width and proper slopes and the roadway is very well drained.

There is but one iron bridge: it is a lattice deck girder about 54 ft. in length and rests on double bents of timber; at each end of the bridge there are three spans of framed timber trestle of hemlock. The bridge is in very good condition except that it needs painting; the bents supporting it and also the trestle at either end are sound and of proper dimensions. The bridge ties, also those on the trestle, are 6 x 6 inches; not as large as generally used on the bridges and trestles; they are however sufficient so long as they are sound, and those now on the bridge and trestle are in sound condition. There are proper guard timbers maintained, also inside guard-rails. There is near Stellaville a framed bent trestle consisting of 9 spans of hemlock timber: this trestle is of standard construction and is as yet sound. It has been partially filled and it is anticipated that the remaining portion will be filled in the near future. It has proper ties and guard timbers. There is one cattle pass, with dry masonry and timber stringers: the masonry is in poor condition, and while it is braced so as to be safe for the present, it should be rebuilt; the stringers, ties, and guard timbers are of standard dimensions and in good condition. There is one open culvert of 15-ft. span constructed entirely of timber: this is in good condition throughout. There are no arch culverts. The box culverts and iron-pipe drains are in good condition.

The standard dimensions of cross-ties are 6 x 8 inches, 8 ft. in length, and they are laid at the rate of 2992 to the mile of track; about 75 per cent of them are of cedar and 25 per cent mixed hemlock and spruce; they are in good condition, well spaced and full spiked. The track is laid with 60-lb. steel rail, connected by angle plates 24 inches in length with four bolts. The rail is in very fair condition for the light traffic and moderate speed maintained. The connections are generally full bolted and bolts tight; a few joints were observed where there was a bolt lacking. The main-track switches are split point and have rigid stands with well painted targets. Switch lamps show red light for danger and green for safety. The frogs are rigid and properly maintained. Derailing switches are in all sidings connecting with the main track where their use appears necessary.

The track is ballasted with stone screenings from a mine located at Stellaville. The alignment and surfacing are good and the outer rail on curves properly elevated for the speed at which the trains are scheduled. The roadway is maintained by a force consisting of a foreman and three laborers, who are furnished with the proper means for protecting their work, and all portions of the road are patrolled daily. The right of way is free from trees, brush, and rubbish, and very well fenced with wire. The highway crossings, of which there are three, are properly graded, planking

in good condition, and are protected by signs of the diamond form suitably located and well painted. Metallic slat cattle-guards are in place at each boundary of the highways crossed at grade.

The movements of trains when necessary are governed by the telephonic train order system. The only station building maintained by the company is at Hermon: it is a combination frame building in good condition and properly furnished. The principal repairs and improvements noted as made since the last inspection are as follows: About 10 per cent of the cross-ties have been renewed; the timber trestle at Stellaville has been partially filled; switch lamps have been placed on the stands of main track where needed; derailing switches have been put in sidings on which cars are left standing where the grade descends toward the main track; and about 3 miles of the road have been re-ballasted with ore screenings.

Recommendations: That the iron bridge be painted to prevent injury from rust: this is not essential for present safety but for the preservation of the bridge; that the remaining portion of the timber trestle near Stellaville be filled, in the near future; that the masonry to the cattle pass which is in poor condition be rebuilt; and that the missing track bolts be supplied.

Referring to the recommendations contained in report of last annual inspection: those recommendations have been complied with excepting that the masonry to the cattle pass referred to has not been rebuilt; it has however been braced so that it is safe for the present.

J. D. SCHULTZ,
Steam Railroad Inspector.

BATH AND HAMMONDSPORT RAILROAD.

Inspected July 29, 1909. Last previous inspection September 22, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Bath and Hammondsport railroad and respectfully submit the following report:

This line is single track and standard gauge and extends from Bath, where it connects with the Erie and the Delaware, Lackawanna and Western railroads, to Hammondsport, on Lake Keuka, a distance of 9.33 miles, and a total length of sidings of 1.66 miles. This line is one of the principal outlets of the heavy wine shipments of the Lake Keuka district and also does a heavy summer excursion passenger business.

The line has few curves, the maximum near Cold Springs is 6 degrees. The grades are steep, fairly uniform and regular, with general descent towards Hammondsport: the maximum is 132 feet to the mile, 6300 feet long, near Cold Springs. The cuts and embankments are of about full section and the drainage is good. There is 1 steel bridge, 3 spans 16 ft. each, composed of 16-in. I-beams. There are 22 openings for culverts and cattle passes from 8 ft. to 17 ft. long; 16 have wooden stringers, 5 have steel track-rail stringers, and one 15-in. I-beams; about half have timber abutments and the balance masonry abutments; all have guard timbers. The box and pipe culverts are apparently in good condition and free for the passage of water.

The cross-ties are generally fair though 2000 more put in this season would be of advantage; tie spacing, spiking, and other like details are fair. The rail is 63-lbs. per yard, spliced with 24-in. 4-bolt angle splices, full bolted. The condition of rail and fastenings is good. Split switches with rigid switch stands and spring rail frogs are used. The switch stands are provided with targets. No derailing switches appear to be required. The ballast is gravel and engine cinders. The alignment is good but there could be some improvement made in the surface. The latter needs a little more attention as better surface would soon more than pay for itself in the saving of rail and joint plate wear.

The section force is composed of a foreman and four men, who are provided with the necessary safety appliances for protection against trains on the line.

There are no grade crossings of railroads; there are connections with the Erie and the Delaware, Lackawanna and Western railroads at Bath. The right of way is practically free of heavy growth of any kind; it is well fenced, with wire in good condition. There are no mile-posts. The highway crossings are in fair condition as to approaches and planking. Whistling-posts and crossing-signs are provided. Trains are moved under the time limit system and by train orders.

The Erie railroad and this line use a joint station at Bath, and at Hammondsport there is a wooden station with the necessary conveniences, and in good repair. There is a fair sized station at Rheims, and at the other stops merely landing platforms and shed stations, excepting Hermitage where there is fair station accommodations.

Repairs and improvements noted are: one 36-in. iron-pipe culvert installed; 7 open culverts repaired; Hammondsport station, 2 bridges, crossing-signs, switch stands, and whistle-posts re-painted.

Recommendations: That about 2000 more ties be put in this season; that the turntable at Hammondsport be rebuilt; that the "run-around" passing siding at Hammondsport be re-laid with heavier rail: the present rail, 40-lbs. per yard, is not heavy enough for the weight of the engines passing over it.

The recommendations of last year seem to have been complied with and the road generally well maintained.

W. L. DERR,
Inspector Steam Railroads.

BOSTON AND MAINE RAILROAD.

Inspected November 10 and 11, 1909. Last previous inspection December 1 and 2, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the portion of the Boston and Maine Railroad in the State of New York and respectfully submit the following report:

The portion of the main line in this State extends from the Vermont-State line east of Petersburgh Junction to a connection with the West Shore railroad at Rotterdam Junction. This line is double tracked excepting across the Mohawk River bridge near Rotterdam Junction. Through Mechanicville the trains of the line operate for about a mile over the tracks of The Delaware and Hudson Company, and between Coons and Crescent, a distance of 6.94 miles, a single track of The Delaware and Hudson Company's road and a single track of the Boston and Maine are operated jointly as a double-track railroad. The Troy branch connects with the main line at Johnsonville and extends to Troy, and is a double-track road. The Saratoga and Schuylerville branch extends from a connection with the main line at Mechanicville to Saratoga and to Schuylerville, the line going to Schuylerville branching from the line to Saratoga at Schuylerville Junction, and is a single-track road. The portion of the Bennington branch in this State extends from a connection with the main line at Hoosick Junction to the Vermont-State line near White Creek, and is a single-track road.

In this State the length of lines and miles of track is made up as follows: main line: 54.74 miles of first or main track, 48.86 miles second track, 64.78 miles sidings and yard tracks; Troy branch: 15.55 miles of first or main track, 15.55 miles second track, 10.39 miles sidings and yard tracks; Saratoga and Schuylerville branch: 25.82 miles main track, 5.64 miles sidings and yard tracks; Bennington branch: 5.04 miles main track, 1.35 miles sidings and yard tracks.

The general alignment of the main line is very good; nearly all curves are light, with a maximum of 9 degrees at Hoosick Falls; the grades are light and regular, with a maximum of 33.30 ft. per mile for 3.41 miles near Usher. All curves of the Troy branch are light and the general alignment good, with a maximum curve of 3 degrees at Lansingburgh; the grades are long but regular and not very steep, with a maximum of 39.60 ft. per mile

for 5.64 miles in the vicinity of Lansingburgh. The Saratoga and Schuylerville branch is considerably crooked but most curves are light, with a maximum of 6 degrees at Northumberland; the grades are fairly steep in places and somewhat broken, with a maximum of 68.64 ft. per mile for 2.7 miles near Stillwater. The Bennington branch has all light curves, with a maximum of 4 degrees at North Hoosick; the grades are light except near the Vermont-State line, with a maximum of 48.60 ft. per mile for about one-half mile out of White Creek.

The roadway is generally well graded; a few cuts on the main line have slopes upheld by wall and docking, all in proper condition. The roadway is well drained.

The steel and iron bridges are in good condition except that several were observed where painting would be beneficial to prevent injury from rust. All have good masonry. The ties and guard timbers are of standard dimensions. Nos. 238 and 270 of the main line and No. 488 of the Bennington branch have poor ties and guard timbers, needing renewal. It was observed at No. 270 that new ties and guard timbers with which to replace the old were on the ground ready to be put in, and your inspector was advised that the others would receive proper attention. Inside guard-rails are maintained on all. The only wooden bridge in the roadway is No. 484 of the Bennington branch, consisting of 3 spans of deck Howe truss with masonry abutments; one of these spans, a short one about 50 ft. in length, is supported on bents. All are getting old, although the timber appears in very fair condition, and arrangements are made for replacing with steel bridge. The overhead highway and farm crossings that are constructed of wood are in good repair, and all less than 21 ft. above the track are protected by warning signals properly maintained. There are 30 overhead obstructions that are less than 21 ft above the track. It is probable that quite a number of them can be raised so as to afford proper clearance without serious expense, but to determine which would require special surveys. There is but one timber trestle remaining in the main line: it is located in the westbound track just east of Johnsonville, and consists of 7 spans of framed bents; it is in good condition. There are none in the Troy branch. In the Saratoga and Schuylerville branch there are 10, and some quite extensive ones, especially in the portion of the line from Schuylerville Junction to Schuylerville. No. 522 has some poor stringers, caps, and ties; No. 524 some poor ties, needing renewal; No. 539 has some poor stringers and ties; No. 547 is getting old and will need extensive repairs or renewal soon; the others are in fair condition. There are no such structures in the Bennington branch. The open culverts and cattle passes of the main line have stone abutments and I-beam stringers. No. 243 and No. 276 of the main line have poor masonry; the others are in proper condition and have standard ties and guard timbers in good repair. There are no such structures in the Troy branch. In the Saratoga and Schuylerville branch there are 7 constructed entirely of wood; the others have masonry abutments. No. 515 and No. 517 have poor ties and guard timbers; No. 518 is in poor condition throughout; No. 534 has poor ties and guard timbers; No. 541 has poor ties and stringers; No. 542 has poor ties and no guard timbers; No. 544 has poor ties and stringers; No. 546 lacks guard timbers. There are no such structures in the Bennington branch. They are apparently in good condition.

The standard cross-ties are 6 in. and upward in face, 6 in. in thickness, and 8 ft. in length; about 75 per cent are chestnut, 5 per cent oak, and 20 per cent mixed cedar and yellow pine, and they are laid at the rate of 2816 to the mile of track. They are in very good condition, evenly spaced and full spiked. Tie-plates are used on curves.

94.72 miles of main line track are laid with 85-lb., 2.78 miles with 76-lb., 2 miles with 72-lb., and 1.67 miles with mixed weights of rail. The 85-lb. rails are connected partially by Weber joints and partially by continuous rail joints 24 in. in length with 4 bolts, the 76-lb. rails by Fisher joints; the other rail by angle plates 24 in. in length with 4 bolts. 2.20 miles of new 85-lb. open hearth steel rail have been recently laid. The rail is generally in good condition; some renewals, however, are needed in the eastbound track

east of Johnsonville. All connections are full bolted and no loose bolts were observed. The Troy branch has 7.10 miles laid with 76-lb., and the remainder, 24 miles, with 75-lb. steel rail. The 76-lb. rails are connected by Fisher joints, the 75-lb. rails by 24-in. Weber joints with 4 bolts. The rail is in good condition and all connections full bolted. The Saratoga and Schuylerville branch has 13.45 miles laid with 76-lb., and 12.37 miles with 60-lb. steel rail. The 76-lb. rails are connected by 24-in. Weber joints, and the 60-lb. rails by 24-in. Fish plates, all having 4 bolts. The 76-lb. rail is in very fair condition; the 60-lb. rail is much worn and quite extensive renewals are needed. All connections are full bolted and bolts tight. The Bennington branch has 3.04 miles laid with 76-lb., and 2 miles of 72-lb. steel rail. The 76-lb. rails are connected by Weber joints, and the 72-lb. rails by angle plates 24-in. in length with 4 bolts. The rail is in very fair condition, all connections full bolted, and no loose bolts were observed.

All main-track switches are split point with automatic stands and well painted targets. On the main line and the Troy branch, where there are electric signals, all the main-track switches are connected with the signals. Switch and semaphore lamps show red light for danger and white for safety. The main-track frogs, excepting a few on the Saratoga and Schuylerville and Bennington branches, are spring rail. All are properly maintained. Derailing switches are in all sidings where their use appears necessary, and the stands have proper targets.

The main line is ballasted with gravel and cinders, generally in good quantity; the Troy branch is well ballasted with gravel; the Saratoga and Schuylerville branch is lightly ballasted with sand, gravel, and cinders; the Bennington branch with gravel in fair quantity. The alignment and surfacing of the main line, Troy, and Bennington branches are first class, of the Saratoga and Schuylerville branch fair, and the outer rail on all curves is properly elevated. The track sections of the main line are about 3.63 miles in length, and the section force consists of a foreman and 5 laborers; of the Troy branch 3.10 miles in length, and the section force a foreman and 6 laborers; of the Saratoga and Schuylerville branch, from Mechanicville to Saratoga 5.72 miles, and the Schuylerville portion 7.75 miles in length, and the force a foreman and 4 laborers; of the Bennington branch, 5 miles in length, and the force a foreman and 5 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the track are patroled daily.

Three tracks of The Delaware and Hudson Company's railroad are crossed at grade by a freight track formerly the main line, at Mechanicville: the crossing is protected by an interlocking plant; this plant also governs the movements of trains of the Boston and Maine as well as of the Delaware and Hudson, where the Boston and Maine trains enter upon The Delaware and Hudson Company's tracks running through Mechanicville yard; and another interlocking plant governs the movements of both trains where the Boston and Maine trains leave The Delaware and Hudson Company's tracks at the westerly end of the yard. At Petersburgh Junction one track of the Rutland railroad is crossed: the crossing is protected by an interlocking plant. The crossing of the Hoosick Valley railway which formerly existed at Hoosick Falls has been taken up.

Interlocking plants are maintained at the following places: At Petersburgh Junction, governing the grade crossing of the Rutland railroad; at Hoosick Junction, governing movements to and from the eastbound track and the cross-over track leading from the eastbound main track to the westbound main track; at Johnsonville, governing the junction of the Troy branch and the Greenwich and Johnsonville railway with the main line; at Mechanicville station, governing the junction of the main line with the Delaware and Hudson and the freight track crossing at that point; at the west end of Mechanicville yard, governing the junction of the main line with The Delaware and Hudson Company's railroad; at Crescent, governing the junction of the main line with The Delaware and Hudson Company's railroad; at Rotterdam Junction, governing the junction of the main line with the West Shore railroad.

The right of way is free from trees, brush, and rubbish, and fenced with wire, in fair condition. The highway crossings are properly graded, planking well maintained, and are protected by signs of the finger-board design, suitably located and in good condition. Wooden slat cattle-guards are maintained at each boundary of all the highways crossed at grade except in large towns and on the portion of the road between Coons and Crescent, where the tracks are operated jointly with The Delaware and Hudson Company and The Delaware and Hudson Company maintain. On the main line there are 5 crossings protected by flagmen, 11 by flagmen and gates, and 38 by crossing-signs; on the Troy branch, 3 by flagmen, 2 by electric bells, and 9 by crossing-signs; on the Saratoga and Schuylerville branch, 22 by crossing-signs; on the Bennington branch, 4 by crossing-signs.

The movements of trains on the main line and the Troy branch are governed by automatic electric two-arm signals, showing condition in first and second block in advance of train; on the Saratoga and Schuylerville and the Bennington branches by the telegraphic train order system.

The station buildings are in good condition, clean and neat, and the sanitary condition good; water for drinking is provided and time-tables are posted in the waiting rooms. The platforms are of plank, concrete, and gravel and are in good condition.

The principal repairs and improvements noted as made since the last inspection are as follows: About 12 per cent of the cross-ties have been renewed; 4.32 miles of new 85-lb. rail have been laid in main track of the main line, replacing worn 76-lb. rail. Bridge No. 227, near Hoosick Junction, formerly wooden stringers, has been replaced by a concrete, covered culvert. Overhead bridges of wood, Nos. 507 and 531, have been rebuilt. Arch culvert No. 469 B, of the Troy branch, at Lansingburgh, has been rebuilt. The masonry has been rebuilt to bridges Nos. 260, 214, and 228 of the main line, and extensive repairs made to open culverts and cattle passes Nos. 506, 495, 506 D, and 491 F of the Saratoga and Schuylerville branch. The station building at Schuylerville has been extensively repaired and re-painted; necessary repairs have also been made to other station buildings and some re-painting done; 8 iron bridges have been re-painted; 6.97 miles of new fence have been built on the main line 0.99 mile on the Troy branch; and 13.67 miles on the Saratoga and Schuylerville branch, and necessary repairs made to other fences.

Recommendations: That new ties and guard timbers be put on bridges Nos. 238 and 270 of the main line, and 488 of the Bennington branch. That the Howe truss bridge in the Bennington branch which is getting old be replaced with a steel structure. (This, your inspector was advised, has been arranged for.) That low overhead obstructions wherever practicable be raised so as to afford clearance of not less than 21 ft. above the track. That necessary repairs and renewals as outlined in the body of report be made to timber trestles of the Saratoga and Schuylerville branch. That the masonry to open culverts and cattle passes Nos. 243 and 276 of the main line be rebuilt, and necessary repairs or renewals made to those of the Saratoga and Schuylerville branch as indicated in body of report. That necessary renewal of worn 60-lb. rail of the Saratoga and Schuylerville branch and of the rail in main line track east of Johnsonville be made.

The recommendations contained in last annual inspection report have received proper consideration.

J. D. SHULTZ,
Steam Railroad Inspector.

BUFFALO AND SUSQUEHANNA RAILWAY.

Inspected August 24 and 25, 1909. Last previous inspection August 18 and September 21, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Buffalo and Susquehanna railway and respectfully submit the following report:

The Buffalo and Susquehanna Railway Company operates in this State the following named lines: The Buffalo and Susquehanna railway, main line,

from a connection with the Lake Shore and Michigan Southern railway at Blasdell to Wellsville, with a branch track from Springville Junction to Springville; the Wellsville, Coudersport and Pine Creek railroad from a connection with the Buffalo and Susquehanna railway at Wellsville to the Pennsylvania-State line at Genesee; the Addison and Susquehanna railroad from a connection with the Erie railroad at Addison to the Pennsylvania-State line near Nichols. There are also two short pieces of track connected with the main line of the Buffalo and Susquehanna railway, one being the South Buffalo branch connecting with other roads at Buffalo, the other what is called Erie branch and makes connection with the Erie road at Hamburg; that track is at present out of use. All are single-track roads.

The main line has 84.30 miles main track, with a branch to Springville of 1.36 miles, and 12.73 miles sidings and yard track; the South Buffalo branch has 0.45 mile of track, and the Erie branch 0.48 mile; the Wellsville, Coudersport and Pine Creek railroad has 10.11 miles main track and 2.87 miles sidings and yard tracks; the Addison and Susquehanna railroad has 9.73 miles main track and 2.18 miles sidings and yard tracks; a total of 106.43 miles main track and 17.76 miles sidings and yard tracks.

The general alignment of the westerly end of the main line is good to a point east of Arcade; from that place to Wellsville the road is very crooked, most curves however are light. The maximum is 6 degrees. The Wellsville, Coudersport and Pine Creek railroad is quite crooked with some sharp curves, the maximum being 12 degrees. The Addison and Susquehanna railroad is extremely crooked and there are many sharp curves, the maximum being 20 degrees located near Freemans. The grades of the main line are long but not generally steep; the maximum is 69 ft. per mile for about a half mile, located near Blasdell. The grades of the Wellsville, Coudersport and Pine Creek railroad are very light, the maximum being but 20 ft. per mile. The Addison and Susquehanna railroad is on continuous grade for most of its length of approximately 53 ft. per mile. The main line has a number of cuts through material of clay and quicksand where the slopes have slid and to some extent filled the ditches. The embankments are of fair width. The cuts and embankments on the other two lines are of good width and proper slopes and the roadway well drained. A considerable cleaning of ditches is needed on the main line, and your inspector was advised that arrangements had already been made for doing this work.

All the steel and iron bridges on the main line are new and built to fulfill modern requirements; they have good masonry, mostly of concrete, standard ties and guard timbers in first-class condition. The bridges on the Wellsville, Coudersport and Pine Creek railroad and on the Addison and Susquehanna railroad have good stone or concrete masonry, standard ties and guard timbers properly maintained. Inside guard-rails are maintained on only a few of the larger structures. There are no wooden bridges in the roadway of any of the lines; most of the overhead bridges for highway and farm crossings are of iron, and all are in proper condition.

The only overhead obstruction is the bridge that carries the Pennsylvania railroad over the tracks of the main line at Arcade; this has a clearance of 19 ft. 6 in., and is protected by warning signals in proper condition.

There are in the main line 12 timber trestles with pile or frame bents, all of standard construction and properly maintained. In the Wellsville, Coudersport and Pine Creek railroad there are 9: 3 of them are new; the remainder are getting old and need repair, which the officers of the company advised me was arranged for. In the Addison and Susquehanna railroad there is 1 pile trestle of standard construction, and renewed since last inspection. There are 4 open culverts and cattle passes in the main line, constructed entirely of timber. The remainder have concrete abutments and I-beam stringers, all in good condition. In the Wellsville, Coudersport and Pine Creek railroad there are 2, constructed entirely of timber; these are getting old and arrangements are made for making repairs. In the Addison and Susquehanna railroad there are 7, constructed entirely of wood; they are in good condition except that some renewal of stringers is needed and promised. The concrete arch culverts on the Buffalo and Susquehanna

railway are generally in good condition; there is one, however, of 20-ft. span between Canadea and Belfast which has failed, owing to general settlement of the ground on which it was built, and although pile foundation and solid concrete bottom were put in, not only the foundation but the side walls and arch have broken. It has been timbered throughout and is safe for the present. There are no arch culverts on the Wellsville, Coudersport and Pine Creek or the Addison and Susquehanna railroads. The box and pipe culverts are apparently in good condition.

The standard cross-ties are 7 x 8 in., 8 ft. in length, laid at the rate of 2816 to the mile of track. They are about 79 per cent yellow pine, 10 per cent oak, 6 per cent chestnut, and 5 per cent beech. Those in the main line are in first-class condition. The track has been laid only a few years and renewal has not become necessary to any extent. On the Wellsville, Coudersport and Pine Creek and the Addison and Susquehanna railroads about 10 per cent need renewal this season. The ties on all lines are fairly well spaced and full spiked.

All main tracks are laid with 80-lb. steel rail connected by angle plates 26 in. in length with 4 bolts. The rail on the main track is in first-class condition; on the Wellsville, Coudersport and Pine Creek railroad in fair to good condition; on the Addison and Susquehanna railroad there are some rails battered at the end, needing renewal. All the connections are full bolted and bolts tight. All main-track switches are split point and most stands automatic. The targets are well painted. Switch and semaphore lamps show red light for danger, green for safety; yellow is used for caution. Main-track frogs are spring rail and properly maintained. Derailing switches are in all the sidings where their use appears necessary, and are provided with targets.

The main line is ballasted with gravel in medium to fair quantity; the Wellsville, Coudersport and Pine Creek railroad is lightly ballasted with gravel; and the Addison and Susquehanna railroad with gravel, cinders, and shale, generally in very light quantity. The alignment and surfacing of the tracks are very fair, and the outer rail on curves about correctly elevated for the speed at which trains are scheduled.

The average length of track sections is about 5 miles and the force employed upon each consists of a foreman and 6 laborers. Each gang is furnished with flag, lanterns, and torpedoes, and all portions of the road are patrolled daily by some member of the section force.

No railroads, steam or electric, are crossed at grade, and interlocking plants are not maintained.

The right of way is free from trees, brush, and rubbish, and fenced with wire: on the Buffalo and Susquehanna the railroad fence is in good condition; on the Wellsville, Coudersport and Pine Creek and the Addison and Susquehanna railroads some repairs to fences are needed.

The highway crossings are well graded, properly planked, and protected by signs of the diamond or X form, suitably located and well painted. Wooden slat cattle-guards with proper guard-fences are maintained at each boundary of the highways crossed at grade. One highway crossing is protected by a flagman, 4 by electric bells, and the remaining 76 by crossing-signs only.

The movements of trains are governed by the telegraphic train order system, and trains are blocked 5 minutes apart at telegraph stations.

The stations of the main line are wooden buildings, and at all stations except Springville are of modern construction and in first-class condition. An old frame building is used for a temporary station at Springville, but material is on hand with which to build new station as soon as some necessary legal matters are settled. The Wellsville, Coudersport and Pine Creek railroad has one station building in this State: it is at Wellsville, and is a brick building in first-class condition. On the Addison and Susquehanna railroad there are two station buildings in this State, both wooden buildings and in fair to good repair. All the station buildings are clean and neat, properly furnished, and in good sanitary condition. Station platforms are of cement, plank, and gravel, properly maintained.

The general condition of the property has been improved since last inspection: quite extensive widening of cuts and embankments and cleaning of

ditches has been done on the main line, and the ditches on the other roads are in better condition than when I saw them last. The percentage of cross-ties renewed has been light, owing to the fact that on the larger portion of the road the ties have not been in a sufficient length of time to require renewal. About 3.5 per cent of all ties have been renewed during the past year. About 3 miles of 80-lb. rail have been put in the Addison and Susquehanna track, replacing worn 80-lb. rail. About 6 miles of track have been re-ballasted with gravel and some repairs made to ballast elsewhere. One timber trestle and one cattle pass have been rebuilt, between Addison and Freemans. One timber trestle and 5 cattle passes have been rebuilt on the Addison and Susquehanna railroad. A new section house has been constructed at Arcade, and that, together with station buildings at Addison, has been painted. Necessary repairs have been made to other station buildings. Six miles of new wire fence has been constructed on the Addison and Susquehanna railroad, and 7½ miles repaired; 2½ miles of fence on the Wellsville, Coudersport and Pine Creek railroad have been extensively repaired. A grade crossing at Lake Avenue, Blasdell, has been eliminated by means of a bridge.

Recommendations: That the necessary cleaning of ditches be done on the Buffalo and Susquehanna main line. That the necessary repairs be made to the timber trestles, open culverts, and cattle passes on the Wellsville, Coudersport and Pine Creek and the Addison and Susquehanna railroads, to which the attention of the officials who accompanied your inspector was directed. That necessary renewal of cross-ties be made this season on the Wellsville, Coudersport and Pine Creek and Addison and Susquehanna railroads. That the battered and worn 80-lb. rails on the Addison and Susquehanna railroad be replaced. That additional ballasting be done where most needed on all the lines. That the fences on the Wellsville, Coudersport and Pine Creek and Addison and Susquehanna railroads be put in proper condition. That new station be built at Springville as soon as can consistently be done.

Referring to recommendations contained in report of last inspection, those recommendations have been receiving proper attention.

J. D. SHULTZ,
Steam Railroad Inspector.

BUFFALO, ATTICA AND ARCADE RAILROAD.

Inspected July 27, 1909. Last previous inspection 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Buffalo, Attica and Arcade railroad and respectfully submit the following report:

This line extends from Attica, where it connects with the Buffalo division of the Erie railroad, to Arcade, where it connects with the Buffalo and Susquehanna railway, a length of 28 miles, and has 2.25 miles or sidings and yard tracks; it is single track and standard gauge. The curvature is light except at the junction points, and the maximum grade is about 75 ft. to the mile. Most of the cuts are of good cross-section, but as some of the line is located in sand and in clay formations the maintenance of slopes and ditches is somewhat difficult. The embankments generally are wide enough to hold the ballast in place. The ditching in most cuts is insufficient for the proper drainage of the roadbed. In a number of cuts, under drainage would improve the situation.

There is one wood bridge, a half through truss, a mile south of Attica; it is old and in poor condition. The general condition of the timber trestles is fair for the weight of power used and the present time-table speed of trains; if heavier power is used, or the speeds of trains increased, all of them should be strengthened. There are 57 openings, 40 of which are cattle guards with wood abutments; about all of them are without guard timbers. Some of the box culverts are poor, but renewals are being made and obstructions removed from their waterways.

The cross-ties are 6 x 8 in., 8.5 ft. long, 2640 per mile. They are not in good condition generally, and at least 12,000 more should be put in the track before next winter, giving special attention to the renewal of joint-ties and ties near bridges.

The rail is 56 lbs. and 60 lbs. per yard, not badly worn, but surface bent, and some instances side bent, owing to its poor surface and line. The bolts are not always tight. Split switches and stiff and spring rail frogs are used. Some of the switch points are worn as well as some of the frogs, but on the whole the switch work is fair.

The ballast is mostly a mixture of gravel and clay and a great producer of weeds and grass. It is practically not ballast in the usual sense of that term, and certainly does little in the way of freeing itself of water, one of the main considerations in a ballast. The alignment of the track is poor and the surface poorer, due to the poor condition of the ballasting, but probably more largely due to the growth of weeds and grass in the track. The heaving effects of such growth as this may easily be seen by observing any grass producing land, even a well kept lawn, especially when the growth is of sufficient age to form a sod. In order to stop the heaving of the track in this case, it will be necessary to clear the ballast of root growth and then properly drain it.

The line is divided into three track sections: section 1, 1 foreman and 4 men; section 2, 1 foreman and 6 men; section 3, 1 foreman and 6 men; a total of 19. They are provided with the necessary safety appliances for stopping trains. The line is patrolled daily by the section men.

The right of way needs considerable fencing. By fencing the line, 40 open-pit cattle guards at farm lines could be filled, thus removing 40 bridges from the main track and thereby adding to its safety as well as reducing the cost of track maintenance. The highway crossings are in fair condition and provided with crossing-signs but not with whistling-posts. There is no block system provided; trains are moved by the train order system.

The station buildings are in good order and well kept; they appear to be of sufficient size for the traffic now handled.

Repairs and improvements noted: one wooden structure replaced with concrete and steel girders; all trestles more or less repaired; 1 open culvert replaced with concrete and steel girders and 1 filled; 1 stone culvert replaced; 3 cattle passes extensively repaired; 6 station buildings re-painted; 3 miles of fence built and 3 miles repaired; 1 timber waterway replaced with tile and concrete.

Recommendations: That ditching and under drainage be done in the various cuts needing it. That the wooden bridge a mile south of Attica, over Tonawanda creek, be rebuilt this season. That the right of way be fenced at points where none exists, and when this is done the pit cattle-guards in the main track be filled, thus doing away with 40 bridges in the main track; if not filled at once, the pit cattle-guards should be properly guard timbered; and this applies to all openings without proper timber guards. That at least 12,000 more ties be put in the main track this season. That the ballast be cleared of weeds and grass. That all joint bolts be tightened and joints fully spiked.

W. L. DERR,
Steam Railroad Inspector.

BUFFALO CREEK RAILROAD.

Inspected June 2, 1909. Last previous inspection August 17, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Buffalo Creek railroad and respectfully submit the following report:

The Buffalo Creek railroad is a switching road, connecting nearly all the railroads entering Buffalo from the south and east with the various docks and industries in that portion of the city. The main line extends from the East Buffalo yard to Peck Slip, and has 4.08 miles first track, 4 miles second track, 2.08 miles third track, and 12.17 miles sidings; the Prenatt street

branch has 0.80 mile main track and 1.16 miles sidings; the Beach branch has 0.82 mile main track, 0.62 mile second track, and 1.07 miles sidings. Passenger trains of the Buffalo, Rochester and Pittsburgh railway and the Buffalo and Southwestern branch of the Erie railroad operate over about one mile of the main line; the balance of the road is used only as a freight line, and all are operated under yard rules. The general alignment is fair and most curves light, a maximum of 9 degrees. The grades are light and for much of the way practically level. The roadway is well graded and properly drained.

A drawbridge which carries the track of the Beach branch across the Ship canal near its junction with the main line is old and very light; it has been planned to renew this bridge, but some difficulty in connection with the City regarding the Hamburg turnpike has delayed this. The renewing of this bridge, however, should not be delayed. The mechanism of the bridge is interlocked with a signal tower near the end of the bridge. There is a through truss bridge of two spans, double track, over the Buffalo creek; this bridge is very light, and in addition has had some of its members damaged to some extent by wrecks. Attached hereto you will find a diagram and strain sheet of this bridge, together with a report from the engineer of grade crossings of this Commission, Mr. Sutermeister, who made the calculations shown on the strain sheet diagram. From this you will note that some members of the bridge are strained nearly 50 per cent more than is considered good practice, and to pretty nearly one-half the elastic limit. This bridge should be renewed as quickly as possible, and in the meantime trains should operate over it carefully; and if practicable temporary supports should be placed underneath the bridge until renewal can be made. The pier masonry to this bridge has settled and cracked, but the load has been distributed by timbering under the coping so that there has been no recent settlement. The remaining bridges are in good condition; all have standard ties and guard timbers, properly maintained. All low overhead bridges are protected by warning signals; it was observed, however, that many of those signals were out of condition and they should be properly cared for. There are no timber trestles, open culverts, or cattle passes remaining in the main line roadway. There are no arch culverts. The box and pipe culverts are in proper condition.

The cross-ties are practically all oak, 7 x 9 in., 8 ft. in length, and laid at the rate of 2992 to the mile of track; they are well spaced, full spiked, and generally in sound condition. 11.93 miles of main track are laid with 80-lb., 0.32 mile with 75-lb., and the remainder 0.55 mile, with 58-lb. steel rail. The 80-lb. rails are connected by angle plates 30 in. in length with 6 bolts, and the remaining rails by angle plates 24 in. in length with 4 bolts. The rail is in from fair to good condition and renewals are being made as necessary. The main-track switches are split point and have rigid stands, with targets in proper condition. Switch and semaphore lamps show red light for danger and green for safety. Nearly all frogs are rigid and in proper condition. Derailing switches are maintained where necessary. The track is very well ballasted with cinders, gravel, and slag. The alignment and surfacing of the track are good, and the outer rail on curves properly elevated for the speed at which trains operate. The track is maintained by a force consisting of a supervisor, 3 section foremen, and about 40 laborers. The road is regularly patrolled.

The following roads are crossed at grade: Lake Shore and Michigan Southern railway: two tracks at South Buffalo, protected by proper interlocking plants. Buffalo and Southwestern branch of the Erie railroad: one track, connects with and crosses the eastbound main track in South Buffalo: the crossing is protected by a tilting board signal; all trains are required to come to a full stop. New York, Chicago and St. Louis one track, and Pennsylvania railroad one track, side by side, in South Buffalo: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. Delaware, Lackawanna and Western railroad: two tracks crossed by three tracks of the Buffalo Creek railroad: the crossing is protected by disc signals located in a tower, and all trains are required to come to a full stop; this crossing is a dangerous one and the question of its elimination was taken up by the Board of Railroad Commissioners and has been continued by

this Commission; in addition to the three tracks of the Buffalo Creek railroad, there are two tracks of the New York, Chicago and St. Louis railroad and two tracks of the Pennsylvania railroad crossing the double tracks of the Delaware, Lackawanna and Western railroad, side by side; there are probably 400 train movements over this crossing each 24 hours. Erie railroad four tracks, and Pennsylvania railroad two tracks, crossed by one track of the Buffalo Creek railroad at East Buffalo: the crossing is protected by signals located in a tower, and all trains are required to come to a full stop; this is also a very busy and dangerous crossing. Another track of the Pennsylvania railroad also crosses the four tracks of the Erie railroad about 300 feet south, and the movements of trains on all these tracks are governed from this one tower, with signals not interlocked. Owing to location it would be impracticable to eliminate the crossings, but a better system of protection should be afforded. The connection of the New York Central and Hudson River railroad is properly protected by an interlocking plant.

The right of way is in proper condition, and being entirely in the city there is no necessity for fence or cattle-guards. The street crossings are properly graded and well planked. There are three highway grade crossings: two are protected by flagmen and one is unprotected. The principal repairs and improvements noted as made since last inspection are as follows: About 5 per cent of the cross-ties have been renewed; 0.74 mile of 80-lb. and 0.30 mile of 75-lb. rail laid, replacing worn 58-lb. rail; 0.87 mile of siding rebuilt for third main track and re-laid with mixed 75- and 80-lb. rail, and entirely re-ballasted with slag.

Recommendations: That the drawbridge over the Ship canal and the two-span truss bridge over Buffalo creek be rebuilt as promptly as possible; that the matter of the elimination of the grade crossings of the Delaware, Lackawanna and Western railroad receive prompt attention; and that better protection be provided at the crossing of the Erie railroad by the Buffalo Creek, the Nickel Plate, and the Pennsylvania railroads at East Buffalo; that the warning signals at low overhead obstructions be properly maintained.

J. D. SHULTZ,
Steam Railroad Inspector.

BUFFALO CREEK TRANSFER RAILROAD.

Inspected June 3, 1909. Last previous inspection September 8, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Buffalo Creek Transfer railroad and respectfully submit the following report:

The Buffalo Creek Transfer railroad consists of a series of switching tracks located on what is known as the "Island," in Buffalo: these tracks connect with the track operated by the Buffalo Creek and the Pennsylvania railroads, and extend into the coal yard of Frank Williams & Co.; the total amount of tracks is about 1.6 miles. There are no structures in the roadway; the road is simply used for handling the business of the coal company, and the movements over the tracks are very slow. The tracks are laid with various weights of rail connected by Fish and angle plates, and while they are not in first-class condition are suitable for the purpose used.

J. D. SHULTZ,
Steam Railroad Inspector.

BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY.

Inspected June 21, 22, 23, 1909. Last previous inspection July 28, 29, 30, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Buffalo, Rochester and Pittsburgh railway and respectfully submit the following report:

The main line of the Rochester division extends from Rochester to Ashford Junction, with 93.70 miles main track and 53.54 miles of sidings. The

Charlotte branch has 8.79 miles main track from Charlotte to Lincoln Park, with the Dock branch from Dock Junction to Genesee Dock, 1.51 miles, and 5.79 miles sidings. The Silver Springs branch, extending from Silver Lake Junction to Silver Springs, has 1.11 miles main track and 0.21 mile siding. The main line Buffalo division extends from Buffalo Creek to the Pennsylvania-State line, with 70.92 miles main track, 25.67 miles second track, a branch from East Salamanca to Salamanca, 1.33 miles, and 56.77 miles sidings.

There have been no changes in grades and curves of any moment since the last inspection. The cuts and embankments of all the lines are of good width and properly sloped and the roadway well drained. Sub-drains of tile are used in wet cuts, with good results.

There are 30 spans of steel and iron bridge in the Rochester division, 8 in the Charlotte branch, and 41 in the Buffalo division, with stone or concrete masonry, in fair to good condition, and 2 spans in the Buffalo division (in trestles) with timber supports. The bridges are generally well painted; all have standard ties and guard timbers, properly maintained, and inside guard-rails have been placed on most of the long spans. In the Silver Springs branch there is one 30-ft. trussed stringer bridge, in good condition; aside from this there are no trussed spans of wooden bridge in the roadway. There are very few overhead bridges; they are all properly maintained and those under 20½ ft. above the track are protected by warning signals, in good condition. The overhead obstructions less than 21 ft. above track are Rochester division: 1, West Shore railroad, clearance 18 ft., 4 in., steel bridge. 2, highway bridge 1½ miles south of LeRoy, clearance 20 ft. 9 in., iron bridge; no buildings near; approaches moderate grade; not difficult to raise the bridge. 3, Delaware, Lackawanna and Western railroad; steel bridge 18 ft. 4 in. clearance. 4, highway bridge 1¾ miles north of Gainesville; framed bent bridge; clearance 17 ft. 7¾ in.; to be replaced with lattice bridge and raised to 21 ft. clearance. 5, highway bridge at Hillside; framed bent bridge; clearance 18 ft.; approach on east side level, west side moderate grade; not difficult to raise; no buildings near. Dock branch: Charlotte to boulevard; I-beam bridge; clearance 19 ft. 6 in.; difficult to raise on account of important thoroughfare and electric railroad track; the Dock branch is not extensively used. Buffalo division: 1, highway bridge ¼ mile north of Glenwood; framed bent bridge; clearance 17 ft. 8½ in.; light grade either side; could be easily raised; not an important highway; another important highway near by might be changed and put over this bridge, eliminating a bad crossing. 2, highway bridge ¼ mile north of Colden; framed bent bridge; 17 ft. 6 in. clearance; grade level west; about 5 per cent down on east side; houses close to crossing each side that are already considerably below the grade of the road; would cause quite extensive damage to raise to 21 ft. clearance; can however be raised somewhat, and it is proposed to do this. 3, Southside Parkway, Buffalo; steel bridge; 20 ft. 6 in. clearance; important thoroughfare; difficult to raise bridge.

There are a large number of timber trestles still remaining, many of them of but two or three spans, and used for cattle-guards, undercrossings, and at small streams. There are of two spans and over, 48 such structures in the main line Rochester division, one in the Charlotte branch, two in the Silver Springs branch, and 46 in the Buffalo division; all are of standard construction and properly maintained. A considerable number of such structures have been filled or replaced with permanent bridges, and it would be a matter of economy as well as add to the safety if a large number additional were filled or replaced. There are 16 open culverts and cattle passes in the Rochester division main line with stone abutments and wooden stringers, 6 with stone abutments and rail stringers, and 1 with rail stringers on wooden abutments: 17 in main line Rochester division and 15 in main line Buffalo division entirely of wood; all these have standard ties and guard timbers and are in safe condition. The arch, box, and pipe culverts are apparently in good condition and repairs or renewals are being made as necessary.

The cross-ties used on all the lines are 7 x 9 in., 8 ft. 6 in. in length, and laid at the rate of 2880 to the mile of track; they are well spaced, full spiked,

and generally in first-class condition, necessary renewals having been or are being made; about 75 per cent of them are oak and the balance yellow pine.

The rail is steel, and connections good. On the Rochester division 29.90 miles are laid with 90-lb., connected by continuous rail joints 26 in. in length, and 64.70 miles 80-lb. connected by angle plates 42 in. in length with 6 bolts. On the Charlotte branch there are 3.20 miles of 80-lb. connected by 42-in. angle plates with 6 bolts, and 5.59 miles 71-lb. with 26-in. angle plates, 4 bolts. The Dock branch has 1.51 miles, and the Silver Springs branch 1.11 miles, 80-lb., 42-in. angle plates, 6 bolts. The Buffalo division has 50 miles of 90-lb. and 46.59 miles of 80-lb., with same connections as used on Rochester division. The Salamanca branch has 0.60 mile of 80-lb. and 0.73 mile of 71-lb., same connections as the Charlotte branch. The 90-lb. rail is in first-class condition, the 80-lb. in from fair to good condition, the 71-lb. is somewhat worn and is to be replaced. Of the 90-lb. rail, about 3¾ miles are open-hearth steel giving excellent satisfaction; it is expected to lay considerable more open-hearth steel this season.

All the main-track switches are split point and have automatic stands; at some obscure places there are high targets used; all are in proper condition. Switch and semaphore lamps show red light for danger and white for safety. The main-track frogs are nearly all spring rail and in good condition. Derailing switches are in all sidings where their use appears necessary; some are interlocked with the main-track switch stands and all have stands with proper targets.

The main tracks and branches of the Rochester division are ballasted with gravel and cinders in from fair to good quantity, and considerable improvement is shown: the Buffalo division with gravel and cinders, broken stone, and slag, in from fair to good quantity. Considerable new ballasting has been done and has been well done. The alignment and surfacing of tracks are good, and the outer rail on curves properly elevated for the speed at which trains are scheduled.

The average length of sections on the Rochester division is 6 miles; on the Charlotte branch, 8¾ miles; on the Buffalo division, 5 miles of double track, 6 miles of single track; and the average force maintained on each section consists of a foreman and 5 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and regular trackwalkers are employed for patrolling the track.

The following railroads are crossed at grade: The Rochester division crosses one track of the Pennsylvania railroad used only as a freight line for transferring to and from the New York Central and Hudson River railroad at Rochester: the crossing is protected by a tilting board signal; trains of the Buffalo, Rochester and Pittsburgh approach this crossing under full control, but do not stop if signal is in their favor; all trains of the Pennsylvania railroad come to a full stop. Two tracks of the Lehigh Valley railroad at P. & L. Junction: the crossing is protected by a modern and complete interlocking plant. One track of the New York Central and Hudson River railroad and two of the Erie railroad, side by side, at LeRoy: the crossing is protected by a tilting board signal and all trains come to a full stop. Two tracks of the Pennsylvania railroad at Machias Junction: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. The Buffalo division crosses at grade one freight track of the Erie railroad at Limestone: the crossing is protected by a tilting board signal; trains of the Buffalo, Rochester and Pittsburgh approach the crossing under control but do not stop if signal is in their favor; the Erie trains are required to manipulate the signal and protect themselves in using the crossing. One track of the Pennsylvania at Riverside: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. One track of the Western New York and Pennsylvania Traction Company (electric) is crossed at grade by the Salamanca branch in Salamanca: there are derailing switches in the track of the electric railroad, but no protection over the trolley wire.

The only interlocking plants maintained are at the grade crossing of the Lehigh Valley at P. & L. Junction, and to protect a gauntleted track of the Buffalo division over the Allegheny River bridge at Riverside.

The right of way is free from trees, brush, and rubbish. The fences are of wire, and while some repairs are needed are generally in very good condition.

The highway crossings are properly maintained and protected by signs of the diamond or triangular form. Metallic slat cattle-guards are in place at each boundary of nearly all the highways crossed at grade. There is one highway crossing protected by flagman and gates; 15 are protected by flagmen; 8 by electric bells, and the remainder, 175, by crossing-signs only.

The movements of trains are governed by the telegraphic train order system, semaphore signals being located at stations. Passenger trains are kept a station apart; freight trains are spaced 10 minutes at the telegraph station.

The station buildings are in good repair, waiting rooms clean and neat, and the sanitary condition good. Water in pails and fire extinguishers are provided at stations as protection against fire. The station platforms are of plank, gravel, stone screenings, and brick. At stations where there is a water system, sanitary closets are maintained; at other stations there are outside closets, well kept. The station grounds and yards are in good condition. All station and passenger train employees are uniformed, and wear a badge indicating their employment.

The principal repairs and improvements noted as made since the last inspection are as follows: A considerable widening and strengthening of embankments has been done at various points between Ashford Junction and Buffalo; about 7 per cent of all cross-ties have been renewed; 9.50 miles of new 90-lb. rail laid, replacing worn 80-lb. rail; 77,000 additional tie-plates put in; 19 miles of main track re-ballasted with gravel and cinders; 2 miles main track re-ballasted with hard slag; 17 miles of new wire fence erected; 10 miles of wire fence repaired; 1.50 miles of new snow-fence built; 2.50 miles of snow-fence repaired; 10 timber trestles, with aggregate length of 560 feet, filled; 8 open culverts and cattle passes filled; 4 concrete arch and box culverts built where trestles have been eliminated; 14 iron-pipe culverts put in where trestles, open culverts, and cattle passes have been filled; 2 trestle structures thoroughly repaired and necessary repairs made to other trestles and to open culverts and cattle passes; necessary repairs and renewals have been made to ties and guard timber of bridges, trestles, open culverts, and cattle passes; necessary repairs have also been made to bridge and culvert masonry; new water tanks have been erected at Springville and Gainesville; a new ice house at Genesee Dock; new car repairer's building and section tool house at Lincoln Park; necessary repairs have been made to station and other buildings, and 18 have been re-painted; 4 bridges have also been re-painted.

Taken as a whole, the railroad is in very good condition and shows gradual improvement. There are in the roadway, however, a great number of wooden structures (trestles, open culverts, and cattle passes), which are always a source of danger from fire and require frequent renewal and careful watching.

In report of inspection made last year the recommendation was made that as rapidly as renewal became necessary the timber trestles used in crossing running water be replaced with permanent structures. As you will note from the present report, quite a large number of those structures have been replaced with masonry culverts, iron pipes, and filling, and it is apparently the policy of the company to continue that work; and I would respectfully recommend, both as a matter of economy and additional safety, that those timber trestles, etc., be replaced or filled as rapidly as renewal or extensive repairs become necessary.

J. D. SHULTZ,
Steam Railroad Inspector.

CARTHAGE AND COPENHAGEN RAILROAD.

Inspected September 29, 1909. Last previous inspection April 21, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Carthage and Copenhagen railroad and respectfully submit the following report:

The Carthage and Copenhagen railroad, a single-track line, connects with

the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad at C. & C. Junction, Carthage, and extends to Copenhagen, a distance of 8.70 miles, and has about 0.25 mile of sidings and yard tracks. The road is somewhat crooked, but curves are not very sharp, the maximum being 6 degrees. Owing to the great difference in the elevation of the terminals, about 500 feet, there is quite an extensive grade, and the grades are somewhat irregular; the maximum is about 119 ft. per mile. There are no extensive cuts or embankments, the road being built to conform as nearly as possible with the natural surface of the ground. Most of the cuts and embankments are of fair width and natural earth slopes: one embankment about two miles from Copenhagen, constructed of shelly rock, is very narrow, and should be widened. A little widening is also needed in a few cuts along about the middle of the road, and the ditches need cleaning. There are also some embankments that have not been raised to proper grade, leaving short sags.

The only opening to grade is a single span of about 16 ft. with concrete masonry, I-beam stringers, standard ties and guard timbers, all in good condition. Some concrete arch and box culverts are used and some pipe drains; all are in good condition.

The cross-ties, mainly of cedar, with a few tamarack and various hard woods, are 6 x 8 in., 8 ft. in length, and vary from 12 to 16 to a 30-ft. rail. The road is new and all are as yet sound, but a few have been broken on account of irregular bearing, and are not well spaced. There are also many small ties, and it should be filled out with not less than 16 to a 30-ft. rail and properly spaced. All are full spiked.

The track is laid with second-use 60-lb. steel rail, connected generally by angle plates 24 in. in length with 4 bolts; a few places were noted where Fish plates 24 in. in length with 4 bolts were used, and in some cases half plates are used, with but two bolts; and some bolts are missing. Much of this rail is badly worn, especially for about 2½ miles at the Carthage end of the road, and was unfit for main-track use when first laid. Owing to lack of ballast, the rails in places have become quite badly battered, also worn in spots by slipping ties. Quite extensive renewals are needed. The main-track switches are split point and have automatic stands with proper targets. The frogs are rigid. Switch lamps show red light for danger and white for safety. No sidings were observed where derailing switches appeared to be necessary.

Portions of the road have been lightly ballasted with cinders and a poor quality of gravel; much of the road is as yet practically unballasted. The alignment and surfacing of the track are considerably irregular, but are much better than when last inspection was made. The outer rail on curves is about correctly elevated for the very moderate speed at which the trains operate. The road is maintained by force consisting of a foreman and 6 laborers. The right of way is free from trees; some small brush remains, and weeds need cutting. The fences are of wire and in fair condition.

The highway crossings are very well graded, properly planked, and protected by sign of the diamond form. No cattle-guards are maintained. There is but one train on the road, therefore a block system is unnecessary.

At C. & C. Junction there is a very small combination station of wood; at Copenhagen an old frame building has been fitted up and used as a combination station: it has been planned to erect a new station there, but nothing has as yet been done; the present building fairly answers the purpose. Aside from the ones above mentioned, there are no station buildings.

Since the last inspection some widening of cuts and embankments has been made and a little ballasting done. The alignment and surfacing of track have been materially improved but are not good as yet.

Recommendations: That the narrow cuts and embankments referred to in the body of the report be widened, and the remaining ditches cleaned; that the low embankments be raised to proper grade; that the worn, bent, and battered rails be replaced; that all short pieces of angle and Fish plates be replaced with full length plates, and all connections be full bolted; that sufficient ballast be put on that the track may be put in proper alignment and surface.

Regarding the recommendations contained in last year's report of inspection, some widening of cuts and embankments has been done and some low embankments raised somewhat. The worn and bent rails have not been replaced. Some ballasting has been done, and fences built where necessary. Cattle-guards have not been put in, and although the law requires them, I do not think they are really necessary, as live stock is not allowed to graze upon the highway and practically none are driven along the highway.

J. D. SHULTZ,
Steam Railroad Inspector.

CATSKILL AND TANNERSVILLE RAILWAY.

Inspected July 1, 1909. Last previous inspection June 19, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Catskill and Tannersville railway and respectfully submit the following report:

This line extends from Otis Summit, where it connects with the Otis Elevating railway, to Tannersville, 5.5 miles, and has 4/10 mile of sidings. It is a 3-foot or narrow-gauge road. There is a wye at Otis Summit and a turntable at Tannersville.

The alignment is heavily curved, with a maximum curve of about 30 degrees. The grades are steep, the heaviest 5 per cent. While the location in many places is faulty, the small business of the road would hardly justify the expense of a revision. The line is practically paralleled by the Ulster and Delaware railroad. The roadbed is of sufficient width and slopes, fairly well drained, and clear of obstructions, undergrowth, etc.

There are no steel or iron bridges. All bridges, culverts, and cattle passes are of wood and in fair condition excepting the blocking under some of the trestle bents; the second bent from east end, Haines Corner trestle, should be renewed with heavier pieces. The overhead highway bridge at Otis Summit, while not having the full 21-ft. clearance, has in all probability sufficient clearance for a man on top of any of the low, narrow-gauge cars in use on the line. The masonry and pipe culverts are apparently in good condition.

The rail is 40 and 45 lbs. per yard and in fair condition; joints angle, and flat or fish plates, 18 in. and 21 in. long, 4 bolts. Ties 6 x 6 in. and 6 x 8 in., 6 feet long, well spaced, and about 2816 per mile. The spiking is full and well done. Tie renewals are now in progress, and it is estimated that about 2000 more are needed and will be put in this season. Some tie-plates are being used on curves. Split switches and stiff rail frogs are used. Switch stands are generally of the rigid, castiron type. As no night trains are run switch lamps are not in use. The ballast is gravel with a fair admixture of clay and other foreign substances; it is the best however that can be found along the line. The section force consists of a foreman and 8 men, who are furnished with the necessary safety appliances for protecting their work.

The right of way is fairly well kept and fenced, with some repairs to fences needed which are now being made. There are 7 highway crossings at grade, well maintained and provided with crossing-signs and whistle-posts. There are no mile-posts. There are 4 private crossings at grade.

The stations are 3 in number, well kept, and seem adequate to the requirements of the summer travel, their only duty, as the road is operated during the summer season only.

There is a telephone system along the entire line, but the train movements are made under fixed rules and not by any train dispatching system. So long as but one engine at a time is operated no trouble can arise from the present system of handling trains, but in the event of operating more than one engine some system of directing trains from a central point, or better still, some system of positive block signaling should be put in use.

The railroad company has apparently endeavored to carry out the recommendation of last year's report with the exception of numbering the bridges, open culverts, and cattle passes, which has not yet been done.

There are no railway crossings at grade.

Recommendations: That in renewing the wooden stringers of bridges the pieces making up a stringer be spaced an inch or more apart laterally as a better preventive against fire and decay, and that in the longer structures there be but one joint over each bearing point or cap, and that no corbels be used under bridge stringers; that no small blocking be used in trestle abutments and bent foundations and bridge seats, and where any such exist they be replaced at once by work of more permanent character.

W. L. DERR,
Steam Railroad Inspector.

CATSKILL MOUNTAIN RAILWAY.

Inspected July 1, 2, 1909. Last previous inspection June 20, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Catskill Mountain railway and respectfully submit the following report:

This line is single-track and narrow or 3-feet gauge. It extends from Catskill Landing on the Hudson river, village of Catskill, to Palenville, at the foot of the Catskill mountains, 15.75 miles, and from Cairo Junction on the main line to Cairo (Cairo branch), 3.77 miles; also a branch about a-quarter of a mile long from Otis Junction, foot of Otis Elevating railway, to the main line at a point about 2 miles east of Palenville. Total length of main track, 19.77 miles; and of sidings and yard tracks, 1.86 miles. The curvature is heavy, perhaps 85 per cent of the length being curved, the maximum being about 30 degrees. Maximum grade of main line 125 feet per mile, and of Cairo branch 135 feet per mile. The railroad is good as to width and slopes, and is well drained.

There is a bridge at Catskill, carrying an overhead street, which actually forms a tunnel; it is brick lined and in good condition. There are 5 iron bridges, of a total length of 1145 feet; 3 of these are within two miles (west) of Catskill, and are 440 feet, 295 feet, and 240 feet long, respectively, each having wooden track stringers 4 ft. by 4 x 14 in. The masonry is generally good and the painting fair. Guard timbers and guard-rails in fair condition. The wooden bridges and trestles are 6 in number, from 12 to 18 ft. in length, having a total length of about 93 feet. They are in good condition. One overhead bridge, carrying highway, about 14 ft. clear: the West Shore has a bridge directly over this one, and the raising of the highway to clear would be expensive if at all possible; it will probably clear men on top of the box cars used on the Catskill Mountain railway. The arch and box culverts and pipe drains are in good condition and free from accumulations that would tend to obstruct the passage of water through them.

Both yellow pine and chestnut cross-ties are used, size 6 x 8 in. x 6 ft. long. They are laid plentifully, as many as 3000 per mile in some places. The spiking is full. Apparently sufficient renewals for the season are now in progress.

The rail weighs 40-lbs. per yard and is fastened by angle and Fish plates and continuous joints 17 in. to 18 in. long with 4 bolts. The bolting is full and in good condition. Some shoulder tie-plates are being used. Split switches with rigid switch stands are used; the stands are provided with switch lamps. Stiff rail frogs are used. Ballast is gravel, with sufficient amount to preserve fair line and surface. The section force consists of 3 gangs, a total of 3 foremen and 26 men; the gangs are provided with the necessary safety appliances for protecting their work against approaching trains.

The right of way is fenced and clean. No mile-posts provided. There are 26 highway crossings at grade, planked and provided with crossing-signs and whistling-posts. There are 68 private crossings at grade.

There are 6 stations, in good repair and well kept.

Operation is by means of fixed rules; no method of train despatching from a central point, or block signaling, is in use.

It would seem that the company has endeavored to carry out the recommendations of last year's report, except as to the numbering of bridges, cattle passes, and other openings, and that the road has been fairly and safely maintained.

Recommendations: That in renewing the wooden stringers of bridges the pieces composing a stringer be spaced an inch or more apart laterally, as better preventive against fire and decay; that no corbels under stringers be used where they can be avoided, and where unavoidable, corbels of one piece be used; especially are these remarks as to stringers and corbels applicable to the three long bridges west of Catskill. In the operation of this road no method of train dispatching from a central point is used, nor is there any form of block signaling in use; the fixed rules of the company are depended upon to cover all situations in train movements. Some system of central control or a block system should be provided. It is suggested that a train register be put in use at Cairo Junction, and that all trains register there. Such record would inform conductors and enginemen of the situation of trains relative to that point, and whether trains that were due there had passed, and at what time, etc. As a suggestion in the way of block signaling the line at a comparatively small cost, attention is called to the electric train staff; this is an electrically worked apparatus which may be operated by the trainmen without delay to the train, and is an absolute block.

W. L. DERR,
Steam Railroad Inspector.

CENTRAL NEW ENGLAND RAILWAY.

Inspected June 7, 8, 9, 1909. Last previous inspection May 25, 26, 27, 28, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the various lines owned and operated by the Central New England Railway Company in this State, and respectfully submit the following report:

The main line extends in this State from the Connecticut-State line to Campbell Hall, 74.41 miles, with 10.37 miles of second track and approximately 37 miles of sidings and yard tracks; the Rhinecliff division from Boston Corners to Rhinecliff, 35.30 miles, and from Silvernails to Rhinecliff Junction, 3.37 miles, single track, and has approximately 6 miles of sidings and yard tracks; the East Stanfordville division from West Pine Plains to Poughkeepsie and Eastern Junction, 23.20 miles, single track, with 2.40 miles of sidings and yard tracks; the Hopewell branch from Poughkeepsie Junction to Hopewell, 12.40 miles, with 2.90 miles of second main track and 4.20 miles of sidings and yard tracks; the Newburgh, Dutchess and Connecticut division from Dutchess Junction to the Connecticut-State line near Millerton, 54.34 miles, and from Wicopee Junction to Fishkill Landing, 1.65 miles, single track, with 18.50 miles of sidings and yard tracks; the Hospital branch from North street, Poughkeepsie, to the New York State Hospital and a connection with the New York Central and Hudson River railroad, 2.20 miles, single track; the sidings are included in mileage given for main line sidings, and this branch is practically a siding, although a passenger car and locomotive operate over a piece of it between the State Hospital and North street; it is fairly well graded; some tie renewals are needed, and the rail is somewhat worn but is operated over very carefully. There is one quite extensive trestle consisting of 48 framed bents; it is getting old; quite an amount of repairs has been made on it since the last inspection, but it is not in very good condition, and should be renewed or filled in the near future. This piece of road is not referred to further in this report. There has been practically no change in the general alignment, grades, and curves since last inspection.

The road is generally well graded and drainage very good. Considerable widening of cuts and cleaning of ditches has been done on the main line, and extensive grading for second main track is now in progress between Modena and Saint Elmo, and in the vicinity of Modena the grading has been

completed and the second track laid. Between Poughkeepsie bridge and Highland on the main line there are wet cuts, mainly through rock, where there is not room for proper ditching; there is also one cut on the East Stanfordville division, east of Poughkeepsie and Eastern Junction, where the ditches are partially filled. A little additional ditching is also needed on the Newburgh, Dutchess and Connecticut division near the summit. With these exceptions the roadway is very well drained.

The steel and iron bridges of the main line are generally in good condition and have fair masonry; No. 90A, however, is rather light, and is supported on bents pending renewal. Quite a number of bridges need painting to prevent injury from rust. The ties and guard timbers are of standard dimensions and well maintained; practically all have inside guard-rails. On the Rhinecliff division many of the bridges are practically new and up to modern standard; the masonry is generally good; one T abutment, however, of No. 207 shows indications of failure and needs attention. The ties and guard timbers are standard and properly maintained. Inside guard-rails are maintained on the longer ones and are to be put on the others. On the East Stanfordville division many of the bridges are light, especially Nos. 98A, 98B, 101A, 104A, 106A, 106B, and 107A. Nos. 98B, 104A, 106A, 106B, and 107A are especially poor; several years ago there were new members put in with the idea of strengthening them, but in my opinion no benefit has been derived from that operation, as the additional members can not be adjusted to work in unison with the original members. Only two trains a day operate over the portion of this division where these bridges are and only very light motive power is used. I can see no change in the condition of those structures from the time of the last inspection, but I do not consider them in safe condition; and if that portion of the road is not to be abandoned the bridges should be replaced promptly. The masonry is generally in good condition, ties and guard timbers standard and in good repair. Inside guard-rails are maintained on the longer ones. The bridges on the Hopewell branch are in good condition, except that most of them would be benefited by an additional coat of paint. The masonry is good. Two additional spans have been added to No. 50A, replacing a timber trestle. The ties and guard timbers are of standard dimensions, well maintained, and inside guard-rails maintained on all. The bridges of the Newburgh, Dutchess and Connecticut division are generally in good condition, although new paint would be a benefit to several; some have been re-painted since last inspection. Bridges Nos. 412B, 423A, 434C, 434D, and 454B are too light and should be strengthened or replaced.

There are no wooden span bridges remaining in the roadway; those for overhead highway and farm crossings are properly maintained, and all less than 21 feet above the track are protected by warning signals in good condition. There are 5 pile trestle structures remaining in the main line roadway, 11 in the Rhinecliff division, 2 in the East Stanfordville division, 8 in the Hopewell branch, and 4 in the Newburgh, Dutchess and Connecticut division; all are of standard construction and in good repair. The stone and concrete arch and box culverts are generally in from fair to good condition and arrangements are made for repairing or rebuilding where necessary. The iron-pipe culverts are in good condition.

The standard cross-ties are 6 x 8 in., 8 ft. in length, and are laid at the rate of 2816 to the mile of track; about 90 per cent of them are chestnut and 10 per cent oak. They are in much improved condition; approximately 10 per cent of renewals will be needed this season; they are fairly well spaced and full spiked.

In the main line main tracks 15.97 miles are laid with 60-lb., 46.56 miles with 70-lb., 7 miles with 79-lb., 13.05 miles with 80-lb., and 2.20 miles with 100-lb. steel rail; the 60-lb., a portion of the 70-lb., and all the 80- and 100-lb. rails are connected by angle plates 24 in. in length with 4 bolts; the remainder of the 70-lb. by angle plates 36 in. in length with 6 bolts, and the 79-lb. by angle plates 30 in. in length with 6 bolts; the 60-lb. rail is somewhat worn and is to be replaced with heavier rail in the near future; the other rail is generally in good condition; quite an amount of 80-lb. rail has

been recently laid west of Poughkeepsie and is to be continued to Maybrook; the 100-lb. rail is new and is laid in both tracks across the Poughkeepsie bridge. The Rhinecliff division has 21.50 miles laid with 60-lb., and the remainder, 17.17 miles, with 70-lb. steel rail; the 60-lb. rails are connected by angle plates 24 in. in length with 4 bolts, the 70-lb. partly by angle plates 24 in. in length with 4 bolts and partially by Fisher joints; the 60-lb. rail is somewhat worn, and on that rail a few cracked angle plates were observed; the 70-lb. rail is in from fair to good condition. The East Stanfordville division is laid entirely with 70-lb. steel rail connected by Fisher joints; the rail is in very fair condition and the joints properly cared for. The Hopewell branch has 12.40 miles laid with 70-lb. and the remainder, 2.90 miles, with 80-lb. steel rail; the 80-lb. and a portion of the 70-lb. rails are connected by angle plates 24 in. in length with 4 bolts, and the remainder of the 70-lb. by angle plates 30 in. in length with 6 bolts; the 80-lb. rail is new; the 70-lb. is somewhat worn and renewals are being made as necessary; all the connections are full bolted and bolts tight. The Newburgh, Dutchess and Connecticut division has 42.69 miles laid with 60-lb. and the remainder, 13 miles, with 70-lb. steel rail; the 60-lb. and a portion of the 70-lb. rails are connected by angle plates 24 in. in length with 4 bolts, and the remainder of the 70-lb. by angle plates 36 in. in length with 6 bolts; the rail is in fair condition for the light traffic; all connections full bolted and bolts tight.

All main-track switches, with the exception of one 3-throw stub switch on the Rhinecliff branch at Red Hook, are split point and have mainly rigid stands; there are automatic stands on the Hopewell branch and a few elsewhere; all have targets. Switch and semaphore lamps show red light for danger and green for safety; yellow is used for caution. Spring rail frogs are used with all the heavier rail and with most of the lighter rail; on a portion of the lighter rail the frogs are rigid; all are in good condition. Derailing switches are in all sidings where their use appears necessary, and have proper targets.

The tracks are ballasted with gravel and cinders in light to medium quantity. A steam shovel is now working in a gravel pit at Pine Plains, and arrangements are made for doing extensive re-ballasting this season, commencing on main line at westerly end. The alignment and surfacing of the tracks are from fair to good, and the outer rail on curves is properly elevated for the speed at which the trains are scheduled. The sections of the main line are 5¾ miles in length and the force employed on each consists of a foreman and 4 laborers; on the Rhinecliff division, 7½ miles in length, with the same amount of section force; on the East Stanfordville division, 7 miles in length, and the force employed on each a foreman and 2 laborers; on the Hopewell Branch, 4.15 miles in length, and on each section the force consists of a foreman and 3 laborers; on the Newburgh, Dutchess and Connecticut division, 5 miles in length, and the force employed on each a foreman and 4 laborers. Each gang is provided with flags and lanterns for protecting its work, and all portions of the road are patrolled daily by some member of the section force.

The following roads are crossed at grade: two tracks of the Harlem railroad by the main line at Boston Corners: the crossing is protected by gates, and all trains are required to come to a full stop before crossing. One track of the Harlem railroad by the Newburgh, Dutchess and Connecticut division at Millerton: the crossing is protected by gates, and all trains are required to come to a full stop before crossing. One track of the Newburgh, Dutchess and Connecticut division by the Hopewell branch at Hopewell Junction: protected by a modern and complete interlocking plant. One track of the Fishkill Electric railway by the Newburgh, Dutchess and Connecticut division at Matteawan: there are no derailing switches in the track of the electric railroad and the copper trough over the trolley wire is too short. One track of the Poughkeepsie City and Wappinger Falls Electric railway by the Hospital branch on North street, and by a wye connecting that branch with the Main line on Parker avenue, Poughkeepsie: at neither crossing are there derails or protection over the trolley wire; the conductors of the electric road are required to pilot their cars across the tracks of the steam

railroad. The only interlocking plants maintained are at the connection of the Hopewell branch with the main line and the east end of the double track at Poughkeepsie Junction, and at the crossing of the Newburgh, Dutchess and Connecticut division by the Hopewell branch at Hopewell Junction: these plants are in proper condition.

The right of way is fairly clean; there is a little small brush on the main line east of Pine Plains, also on the Rhinecliff division; there are no trees remaining nor brush left along the track. The fences are mainly of wire; they are in good condition on the Newburgh, Dutchess and Connecticut line; on the other lines, although the condition is somewhat improved, additional repairs are necessary.

The highway crossings are well graded and planking properly maintained; attention was directed to a few where trees and rubbish outside the company's right of way interfered to some extent with the view of approaching trains, and request was made that wherever the necessary permission could be obtained this brush be removed. The crossing-signs are of various designs: diamond, triangular, finger-board, and banner form being used; they are properly located; a few were observed, and attention directed to them, that needed painting. Metallic slat cattle-guards, in good condition, are maintained at each boundary of the highways crossed at grade on the line of the Newburgh, Dutchess and Connecticut division, and at most of the crossings on other lines; some crossings, however, are without cattle-guards. Five highway crossings of the main line are protected by flagmen and 1 by an electric bell; 1 of the Rhinecliff division by a flagman and 1 by an electric bell; 1 of the East Stanfordville division by a flagman; 2 of the Hopewell branch by flagmen and 3 by electric bells; 4 of the Newburgh, Dutchess and Connecticut division by flagmen and 1 by flagman and gates; the remainder of the highway crossings are protected by crossing-signs only.

The movements of trains on all the lines are governed by the telegraphic train order system, and there are semaphore signals placed at each telegraph station to stop trains for orders when necessary. Arrangements are made for putting in the manual controlled block system from Highland to Maybrook, supplemented by automatic electric block signals between stations.

The station buildings at very many places are small, but apparently sufficient for the requirements; they are generally in fair repair, although very many of them are badly in need of painting. The sanitary conditions are very good, waiting rooms clean, time-tables are posted, and water for drinking provided; water barrels are kept filled and fire buckets are in all stations, and fire extinguishers at the more important ones, as protection against fire. The platforms are of plank and gravel and in fair condition. The station employees are uniformed, and wear a badge indicating employment.

Since the last inspection about 20 per cent of the cross-ties on 35 miles of the main line have been renewed, and on the balance of the main line and all the other lines approximately 10 per cent. In the main line track ½ mile of worn 70-lb. rail has been replaced with 79-lb. rail, and 5.03 miles of 60- and 65-lb. rail with 70-lb. relayer rail; in that of the Hopewell Branch 0.35 mile of 70-lb. steel rail has been laid, replacing worn 70-lb. rail. 6.50 miles of main line have been re-ballasted with gravel and 3 with cinders; 1.25 miles of the Rhinecliff division with gravel; light repairs have been made to the ballast of the Hopewell Branch; 1 mile of the Newburgh, Dutchess and Connecticut division has been re-ballasted with gravel and 0.50 mile with cinders. Bridge No. 70B of the main line has been replaced with 3 runs of 36-in. cast-iron pipe and filling; No. 101B, a timber trestle 418 feet in length, has been replaced with a 60-ft. span of steel bridge on concrete masonry and a concrete arch culvert and filling; on the Rhinecliff division, bridge No. 206A has been replaced with 48-in. iron pipe and filling, and No. 207B, wooden stringers, with I-beam stringers; on the Hopewell branch, bridge No. 105A has had 125 ft. of trestle bridge replaced with two 60-ft. spans of latticed girders on timber bents; on the main line, No. 89A, a timber trestle, has been replaced with solid rail top culvert; on the Rhinecliff division, bridge No. 78A has had new floor; two safety platforms have been built on bridge No. 203C at Jackson Corners; ties, stringers, and guard timbers have been renewed on

Nos. 204A and 205A; inside guard-rails placed on bridges Nos. 86A, 86B, 87A, 88A, 208A, 218A, and 220A; on the Newburgh, Dutchess and Connecticut division, bridge No. 407A has had new ties and guard-rail; No. 408A, new floor; No. 421B, floor repaired, abutments braced, and inside guard-rail laid; bridge No. 435B, bents braced, and inside guard-rail laid; bridge No. 435B, bents repaired; inside guard-rails laid on bridges No. 422A, 429A, and 441A; floor to bridge No. 443 repaired; new ties and guard timbers put on Nos. 447A and 456A; No. 458A, two lengths of castiron pipe put in and head walls built; No. 458G, 77 spans of wooden trestle, about half filled, extensive riprapping done to protect the foot of embankments from tides, and extensive repairs made on the remaining portions of the trestle; necessary repairs have been made to ties and guard timbers of other bridges, trestles, open culverts, and cattle passes, and 7 open culverts and cattle passes in the main line and 3 in the Newburgh, Dutchess and Connecticut division have been replaced with iron-pipe and filling; on the Rhinecliff division, the abutments to bridge No. 81A have been extensively repaired and extensive protection to bridges Nos. 201A and 202A done by riprapping; open culverts and cattle passes Nos. 79C and 81B on the Rhinecliff division have been made rail top culverts and the opening to grade eliminated. New buildings have been erected as follows: New station buildings on the main line at Halstead's and West Hibernia; new fire engine house, new buildings for repair department, new boiler room for shops, and new transfer platform 800 feet in length and 20 feet in width, together with an office building, at Maybrook; on the Newburgh, Dutchess and Connecticut division, new ice house, sand house, and outside toilet built, at Millerton; necessary repairs have also been made to station and other buildings, and several of them re-painted; 4 bridges of the main line, 4 of the Rhinecliff division, and 4 of the Newburgh, Dutchess and Connecticut division, have been re-painted; 3.08 miles of main line fence have been rebuilt and 12.34 miles extensively repaired; on the Rhinecliff division, 0.48 mile of new fence built and 0.75 mile repaired; on the Newburgh, Dutchess and Connecticut division, 2.11 miles of new fence built and 6.30 miles repaired; 4.05 miles of additional second main track have been constructed and put in operation near the westerly end of the main line, and 2.90 miles of second main track on the Hopewell branch, and work is in progress to extend the second main track in each case; 4.50 miles of new receiving yard tracks have been put in and an extensive classification yard is being constructed at Maybrook; a new connection has been constructed between the main line and East Stanfordville station at Stanfordville, 865 feet in length. Quite extensive additions to and changes in tracks have been made at very many of the stations on the various lines, and the condition of the road generally improved.

Recommendations: That better ditches be made between Poughkeepsie bridge and Highland on the main line, in the clay cut east of Poughkeepsie on the East Stanfordville division, and on the Newburgh, Dutchess and Connecticut division near the summit; that repairs to or renewal of the abutment to bridge No. 207 on the Rhinecliff division be made; that the very light bridges Nos. 98A, 98B, 101A, 104A, 106A, 106B, and 107A of the East Stanfordville division be promptly renewed if that line is not to be abandoned; that bridges Nos. 412B, 423A, 434C, 434D, and 454B on the Newburgh, Dutchess and Connecticut division, all of which are light, be replaced: that necessary painting of bridges be done to prevent injury from rust; that the timber trestle on the Hospital branch be either rebuilt, extensively repaired, or filled; that about 10 per cent of the cross-ties be renewed this season on all lines; that necessary renewal be made of worn rail, and the remainder of the Fisher joints be replaced with a better connection; that extensive repairs be made to ballast, especially on the line of the Poughkeepsie and Eastern railway; that the brush on the right of way near the east end of the main line and on the portions of the Rhinecliff division be cut and removed; that necessary repairs be made to fencing, and that wherever permission can be obtained the small brush which is outside the company's right of way in the vicinity of highways and obstructs the view, be removed; that dim crossing signs be painted; that necessary repairs be made to station buildings, and those on which paint is poor be re-painted.

With regard to the recommendations made in the last previous inspection report, quite extensive widening of cuts and cleaning of ditches have been done; a little more cleaning of ditches is needed; nothing has been done to the light bridges referred to on the East Stanfordville division, but only two trains per day are now operated over this line and only very light motive power is used; considerable repairs have been made to the trestle on the Hospital branch: more are needed; quite extensive repairs have been made to other bridges and trestles to which attention was directed; inside guard-rails were put on most of the bridges and trestles and arrangements made for putting them on all, and in many cases rails are already delivered for that purpose; quite extensive renewals of cross-ties were made, and much worn rail replaced; new angle plates were put in, in place of cracked ones on the Rhinecliff division: others, however, have since cracked; loose bolts were made tight; a large proportion of the Fisher joints were replaced with angle plates, and arrangements made for replacing more; targets have been put on the stands of derailing switches; some repairs have been made to ballast; considerable new fence has been built and quite extensive repairing done; some additional cattle guards have also been put in.

J. D. SHULTZ,
Steam Railroad Inspector.

CHAMPLAIN AND ST. LAWRENCE RAILROAD.

Inspected December 9, 1909. Last previous inspection November 9, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Champlain and St. Lawrence railroad and respectfully submit the following report:

The line extends from Rouses Point, where it connects with the Delaware and Hudson railroad, to the United States-Canada boundary, a distance of 1.21 miles, where it joins the Grand Trunk railway of which it forms a part; it has about 2 miles of yard and side-tracks, all of which are included in Rouses Point yard. The line is practically straight, there being but one curve, about 3 degrees, located in Rouses Point yard. The grades are level. The entire roadbed is on a fill. There are no bridges. There are 2 open culverts or waterways, each about 12 ft. long over all, and 1 cattle-pass, all in fair condition. The section force is a foreman and 6 men.

The cross-ties are 6 x 8 in., 8 ft. long, laid 2998 per mile; they are nearly all cedar, well spiked and in good condition. The ballast is gravel, good quality and quantity. The rail is 79 lbs. per yard, fastened with 4-hole, 24-in. angle splices, and in good condition. Split point switches and automatic switch stands provided with target signals and lights; spring rail frogs; all in good condition.

The alignment and surface are good. There are no grade crossings of railroads or interlocking plants.

The right of way is fenced and in good condition. There are no highway crossings.

There are no stations; that at Rouses Point is in Delaware and Hudson territory.

The repairs and improvements are to the extent of keeping the property in good condition; and there are no recommendations.

The recommendations of the last previous annual report seem to have been carried out.

W. L. DERR,
Inspector Steam Railroads.

CONNECTING TERMINAL RAILROAD.

Inspected June 3, 1909. Last previous inspection September 8, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Connecting Terminal railroad and respectfully submit the following report:

The Connecting Terminal railroad consists of a series of switching tracks

located on what is known as the "Island," in Buffalo, and extends from a connection with the track of The Pennsylvania Railroad Company to the grain elevator and freight houses owned by the Connecting Terminal Railroad Company. There is about one mile of main switching tracks and possibly two miles of storage tracks in and about the elevator and warehouses. There are no bridges, trestles, or other structures in the roadway. The main tracks are laid with various weights of rail connected by angle and Fish plates, and are in proper condition for the purpose used; therefore no recommendations appear necessary.

J. D. SHULTZ,
Steam Railroad Inspector.

CRANBERRY LAKE RAILROAD.

Inspected September 30, 1909. Last previous inspection August 18, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Cranberry Lake railroad and respectfully submit the following report:

The Cranberry Lake railroad, a single-track line, connects with the Carthage and Adirondack branch of the Rome, Watertown and Ogdensburg railroad (operated by The New York Central and Hudson River Railroad Company) at Benson Mines, and extends to Wanakena, a distance of 6 miles, and has about 1½ miles of sidings and yard tracks. There are, however, owned and operated by the lumber company to which the railroad belongs, several miles of track in the woods beyond Wanakena for bringing timber to the Wanakena mills of that company; those tracks are frequently changed from one location to another as the work of loading the logs necessitates, and not being the property of the railroad company I did not inspect them.

The road is considerably crooked: it has some curves of 10 to 12 degrees. The grades are fairly steep and somewhat irregular; the maximum is about 100 ft. per mile. The cuts and embankments are generally light; some of the cuts are rather narrow to admit of proper ditching, but as the soil is of a gravelly nature the water gets soaked away without difficulty. The embankments are of good width and proper slopes.

There are two wooden pony truss bridges of about 45 ft. each in the main line roadway, and at Wanakena, on a branch leading to the mills, there are 3 similar bridges of about 40-ft. span each, crossing the Oswegatchie river. All the bridges are in good condition and of sufficient strength and are erected on concrete masonry. One pier to the bridge on the branch track at Wanakena has settled a little and heavy timber bents have been placed on each side of it, making it secure. There are no timber trestles remaining. There are 2 single span open culverts, and 3 consisting of from 3 to 4 spans each, with timber blocking in place of bents; they are all low structures in swamps, and are in good condition throughout. The box culverts and pipe drains are in good condition. In a few places where there are light embankments in swamps, timber box culverts are used; they are as yet sound.

The cross-ties are of mixed hemlock, tamarack, beech, and other native hard wood timbers; they are 6 in. in thickness, from 6 to 8 in. face, and 8 ft. in length, and are laid at the rate of 2816 to the mile of track. They are in good condition, properly spaced and full spiked, and on curves double spiked on the outer side. The track is laid with 60-lb. steel rail, connected by angle plates 24 in. in length with 4 bolts. The rail is somewhat worn, but is in very fair condition for the light traffic and moderate speed maintained. The connections are full bolted and bolts tight. The main-track switches are split point and have rigid stands with good targets. Switch lamps show red light for danger and white for safety. The frogs are rigid and in proper condition. No sidings were observed where derailing switches appear necessary. The track is fairly ballasted with sand, gravel, and ore screenings. The alignment and surfacing of the track are good and the outer rail on curves properly elevated.

The road is in the forest for practically its entire length. The trees in the vicinity of the track have been cut; some small brush, however, remains.

Fences are not maintained nor apparently necessary, as there is no grazing land about the road. Two highways are crossed at grade, and in each case are well protected, properly planked, and protected by signs of the diamond form. The section force consists of a foreman and from 12 to 18 laborers, who also care for portions of the track in the woods that belong to the lumber company.

At Benson Mines the station building of the Rome, Watertown and Ogdensburg Railroad Company is used; at Wanakena there is a combination station of wood, in good condition and properly furnished.

Since the last inspection considerable has been done toward widening the cuts and embankments and cleaning the ditches; additional ballast has been put on, and the alignment and surfacing of the track greatly improved; necessary repairs have been made to the wooden structures used for crossing small streams.

Recommendation: That additional widening of the narrow cuts be done, and ditches cleaned.

J. D. SHULTZ,
Steam Railroad Inspector.

DANSVILLE AND MOUNT MORRIS RAILROAD.

Inspected July 31, 1909. Last previous inspection August 14, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Dansville and Mount Morris railroad and respectfully submit the following report:

The Dansville and Mount Morris railroad, single track, extends from Dansville to Mount Morris, where it connects with the Erie railroad and the Pennsylvania railroad, a distance of 14.6 miles, and has a yard and siding mileage of 1.75 miles. The general alignment is good, consisting of long tangents, and with the exception of a 10 degree curve on mile 5, generally light curvature. The maximum grade is about 44 ft. per mile for 2 miles, from Dansville north. The line lies in a deep valley, much of it in swampy ground little above the water level of the natural drainage, and therefore little can be done to permanently improve the general drainage conditions. On the whole, the cuts and embankments and the surface ditches are of fair section.

The steel and iron bridges are generally in good condition, the exception in their design being the guard timbers, which are of too small cross-section and which should be replaced with heavier timber when renewed. There are no wooden bridges. The timber trestles are generally in fair condition, the exception being the guard timbers, which are too light and practically the same as those on the bridges. There are no arches; the box and pipe culverts are in good condition.

The cross-ties are 6 x 8 in., 8 ft. long, laid 2644 per mile; about 50 per cent oak, 25 per cent yellow pine, and 25 per cent chestnut and cedar; considerable tie renewals needed. The track consists of 2 miles of 67-lb. rail, 1600 ft. of 60-lb. rail, and the balance 63-lb. rail, in fair condition for the present speed and weight of power. The main-track switches are split point and the switch stands are provided with targets. Rigid frogs are used. The ballast is poor, and from the amount of weed and grass growth it produces probably contains considerable loam. The weed and grass growth must add considerably to the maintenance cost of track, as it tends to force the track out of line and surface and to shorten the life of ties by inducing rot. The alignment and surfacing are but fair, partially due to the swampy nature of a large part of the country through which the line passes, and further aggravated by the growth of grass and weeds in the track. The sections are 7.5 miles long, with a total of 5 men per section. Flags are used to protect maintenance operations, and each foreman inspects his section daily. There are no grade crossings of railroads.

The right of way is in fair condition considering the fact that the nature of the country is such as to produce a heavy vegetable growth. Fences are

generally lacking through the swampy lands and apparently are not needed there. The highway crossings are in good condition, their approaches being well graded, and they are well planked.

Trains are operated under telegraphic train orders and time limit.

The station at Dansville is in good condition; the station at Sonyea is a small log cabin building; the balance are simply wayside stations, apparently all that is needed for the business; the station of the Erie railroad at Mount Morris is used.

Recommendations: That during next season an increased tie renewal be made; the 8.7 per cent renewal of the present season is hardly enough and should be increased to at least 10 per cent per annum during the next two years; the rebuilding of about 420 rods of fence and repairing of about 400 rods more during the past season has put the fences in better shape than they were before, but at least a thousand rods per year should be built through the tillable lands, until the whole are completely fenced.

The recommendations of the last report seem to have been largely complied with, except the one in reference to cattle-guards; as there are but few of these crossings the cost to the company would be light, and it is recommended that the same be maintained.

W. L. DERR,
Inspector Steam Railroads.

DELAWARE AND EASTERN RAILWAY.

Inspected August 10, 1909. Last previous inspection June 16–18, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Delaware and Eastern railway and respectfully submit the following report:

This line extends from Arkville, where it connects with the Ulster and Delaware railroad, to East Branch, where it connects with the New York, Ontario and Western railway, a distance of 37.52 miles, and from Andes Junction on its main line to Andes, 8.39 miles; total main track 45.91 miles, and about 4.25 miles of yard and side tracks. All standard gauge. The line is located in the valley of the east branch of the Delaware river, and as it follows the meanderings of that stream it has considerable curvature, the maximum on the main line being 10 degrees, at Harvard, and that of the Andes branch 12 degrees, near Andes. The maximum grade of the main line is a short stretch near Arkville, approaching the Ulster and Delaware railroad, and is 48 ft. per mile; the Andes branch has a maximum grade of 78.7 ft. per mile for nearly its entire length. The line is not fully developed in the cross-section of either its cuts or its embankments, and especially its cuts; the effect of the latter condition is to narrow the ditches and interfere with the local drainage. Most of the cuts require widening, and in many instances flatter slopes. All of them need wider and deeper ditches. Many of the embankments are not wide enough to provide a good bed for the ballast, and this condition no doubt adds considerable to the cost of aligning and surfacing the track.

The metal bridges are well maintained and are apparently in condition to carry the weight of the present power. If much heavier power is used it would be well to determine in advance whether the girders carrying the loads on their bottom flanges have proper floor support for increased weights. Timber trestles, open culverts, and cattle passes are in good condition and well maintained. The arch, box, and pipe culverts seem in good condition and free of obstructions to drainage.

About 6000 cross-ties in the main tracks should be renewed this season: generally the ties in the track are well spaced and spiked. The rail weighs 67 lbs. per yard and is fastened with 4-bolt angle splices, fully spiked and bolted. Split switches and rigid frogs are used; switch stands have targets and switch lights. There are no derailing switches. The ballast is generally gravel and at some points not in full quantity. The line and surface are not good, and this condition is due much more to poor drainage

and narrow fills than to anything else. Labor spent in aligning and surfacing track under the conditions existing on this line is largely lost and had much better be used in sloping and drainage. The fences are being repaired and considerable new fence is under construction. Much of the line passes through wild, mountainous land, with steep side-hill cuts, making fencing difficult if indeed it is at all needed. The right of way generally is in fair condition.

There are 22 highway crossings, all at grade and in fair condition; cattle-guards are being put in. No block system used; trains are moved under the time limit and telegraphic train order system. The stations are in good condition and seem to be ample for the present traffic.

Many of the bridge structures have been overhauled this season and considerable tie renewals made.

Recommendations: That the necessary sloping and ditching be done, and this especially applies to the main line; that the toe of embankments and side-hill cuttings where they end in the Delaware river be riprapped or otherwise secured from the effects of stream erosion; that at least 6000 more ties be put in the main track before winter this year.

W. L. DERR,
Steam Railroad Inspector.

DELAWARE, LACKAWANNA AND WESTERN RAILROAD.

Inspected August 16, 17, 18, 19, and 20, 1909. Last previous inspection August 3, 4, 5, and 6, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Delaware, Lackawanna and Western railroad and respectfully submit the following report:

The main line extends from the Pennsylvania-State line to Buffalo, with 208.32 miles of first and second tracks and 210.44 miles sidings and yard tracks. The Utica division main line extends from Chenango Forks to Utica, 83.74 miles main track, and a branch from Richfield Junction to Richfield Springs, 21.77 miles main track, with 40.23 miles sidings and yard tracks. The Syracuse, Binghamton and New York division extends from Binghamton to Syracuse, with 79.47 miles first track, 28.45 miles second track, and 50.31 miles sidings and yard tracks. The Oswego and Syracuse division extends from Syracuse to Oswego, 34.98 miles main track and 24.79 miles sidings and yard tracks. The Cincinnatus branch extends from Cortland Junction to Cincinnatus, 18.23 miles main track and 1.36 miles sidings and yard tracks. The Cayuga branch extends from Owego to Ithaca, 34.41 miles main track and 6.86 miles sidings and yard tracks.

The general alignment of the main line is good and the grades regular: a maximum curve of 6 degrees east of Dansville, and a grade of 60 ft. per mile between Groveland and Wayland. The alignment of the Utica division is fair and the grades long but regular: several curves of 6 degrees, and a grade of 85 ft. per mile near Clayville. The alignment of the Syracuse, Binghamton and New York division is very good and the grades regular: a curve of 7 degrees at Binghamton and a grade of 60 ft. per mile between Apulia and Syracuse. The alignment of the Cincinnatus branch is crooked and grades irregular: a curve of 6 degrees 20 minutes at Cortland Junction and maximum grade of 66 ft. per mile between Gee Brook and Whites Mills. The alignment of the Oswego and Syracuse division is good and the grades light: a maximum curve of 5 degrees and maximum grade of 16 ft. per mile. The alignment of the Cayuga division is somewhat crooked and the grades very steep: a 10 degree curve near Owego and a grade of 90 ft. per mile near Ithaca.

The roadway is well graded and thoroughly drained; subdrains are extensively used in wet cuts. Quite extensive raising of embankment is being done on the Oswego and Syracuse division near the crossing of Seneca river, made necessary by the construction of the barge canal.

The steel and iron bridges are generally in first-class condition, well painted, and have good masonry. A few cases were noted, especially in

concrete arch bridge at Binghamton, where concrete is scaled to quite an extent. This was noted at last inspection. The concrete has not scaled to much depth and arrangements are made to reinforce it. As nearly as can be determined this condition was caused by using fresh cement, and it is the opinion of your inspector that cement should not be used in less than six months from the time it is made. There yet remains on the Black Rock branch a couple of the old style bridges, which are rather light, but while bridges were built for double track only single track is used; in addition to that the bridges have been strengthened somewhat, and it is expected that they will be replaced shortly. The ties and guard timbers on all bridges are of standard dimensions and in good repair; inside guard-rails are maintained on all. In the Utica division, main line, there is a drawbridge over the Erie canal at Utica which is protected by an interlocking plant with home and distant signals and derailing switches. The only other drawbridge is in freight yard at Buffalo, beyond where passenger trains operate, and it is protected by signals suitable for the method of operation.

The only wooden bridges maintained are for overhead highway and farm crossings, and most overhead bridges are of iron. All are in proper condition, and any, as well as all other obstructions, less than 20 ft. above the track are protected by warning signals; the lowest on the main line is the Chenango bridge at Binghamton, which has a clearance of 17 ft. 6½ in. at lowest point. All others are between 19 and 20 ft. above the rail, and to determine just what ones might be raised to make full clearance would necessitate special survey in each case. This could not be done on hurried inspection. There are 2 on the Ithaca branch, both bridge portals that can not well be changed; 6 on the Syracuse, Binghamton and New York division; 4 on the Oswego and Syracuse division; 1 on the Cincinnatus branch; and 2 on the Utica division. The one at Norwich on the Utica division clears the main rail only 16 ft. 1 in.; there are houses in the immediate vicinity and the village authorities will not consent to the raising of the street, and the railroad track is already depressed all it can be consistently. The railroad company is taking measures to eliminate overhead obstructions by raising wherever practicable. There are 2 timber trestles remaining in the main line tracks near the Buffalo Creek crossing in Buffalo: they are of standard construction, in first-class repair. On the Utica division, there are 4 of four short spans each, pile bents in swamp: they are low structures in first-class condition, and all but one of them have rail stringers, standard ties and guard timbers, all in proper repair. There are 16 of from 2 to 5 spans each and 1 of 22 spans in the Cincinnatus branch, all pile structures: some of them are getting old and arrangements are made for replacing them this season. All open culverts and cattle-passes of the main line have good masonry with I-beam and rail stringers, standard ties and guard timbers in good condition. On the Utica division there are 2 with pile bents for abutments: all others have masonry with I-beam stringers; No. 6 on Richfield Springs branch is being rebuilt. On the Syracuse, Binghamton and New York, and Oswego divisions, all have good masonry with I-beam or rail stringers, and standard ties and guard timbers properly maintained. On the Cincinnatus branch there are 11 constructed entirely of timber and 2 with masonry abutments: those constructed entirely of timber are in some cases getting old and they are to be replaced this season. On the Cayuga division there are 3 remaining that are constructed entirely of timber; all others have masonry and I-beam stringers and all are in fair condition. The arch, box, and pipe culverts are apparently all in good condition; quite extensive work has been done replacing with concrete box or iron-pipe, open culverts which formerly existed there.

The standard dimension of cross-ties is 7 x 9 in., 8½ ft. in length, and they are laid at the rate of 2816 to the mile of track. On the main line, 54 per cent are yellow pine, 38 per cent oak, 8 per cent chestnut; on the Utica division, 32 per cent yellow pine, 21 per cent oak, 47 per cent chestnut; on the Syracuse, Binghamton and New York division, 61 per cent yel-

low pine, 15 per cent oak, 24 per cent chestnut; on the Oswgeo and Syracuse division, 15 per cent yellow pine, 10 per cent oak, 75 per cent chestnut; on the Cincinnatus branch, 12 per cent oak, 88 per cent chestnut; on the Cayuga division, 5 per cent yellow pine, 31 per cent oak, 64 per cent chestnut. The ties are in first-class condition, necessary renewals having been or are being made. They are properly spaced and full spiked.

In the main-line track there is 1 mile laid with 141-lb. girder rail, 68 miles laid with 91-lb. open hearth steel rail, 37 miles with 91-lb. Bessemer steel rail, 60 miles with 90-lb. Bessemer steel rail, and the remaining 250.64 miles with 80-lb. Bessemer steel rail. The Utica division has 80 miles laid with 80-lb. and the balance with mixed 75-, 67-, and 60-lb. steel rail. The Syracuse, Binghamton and New York division has 0.25 mile laid with 141-lb. girder rail, 0.89 mile with 91-lb., and the remainder, 106.78, with 80-lb. steel rail. The Oswego and Syracuse division has 29.75 miles laid with 80-lb., 0.75 with 75-lb., and 4.48 miles with 67-lb. steel rail. The Cincinnatus branch is laid entirely with 60-lb. steel rail. The Cayuga division has 16.41 miles with 75-lb., 3 miles with 70-lb., and 15 miles with 60-lb. steel rail. The girder rail, the 91-lb., 90-lb., and 80-lb. rails are connected by angle plates 30 in. in length with 6 bolts, and the other rails by angle plates 24 in. in length with 4 bolts. The main-line rail is in good condition; that of the Utica branch generally in good condition and renewals are being made where necessary; the rail of the Syracuse, Binghamton and New York division is in good condition; that of the Oswego and Syracuse division in fairly good condition; that on the Cincinnatus branch in fair condition and suitable for the light traffic and moderate speed maintained; the 60-lb. rail on the Cayuga division is considerably worn and quite extensive renewals are being made. The connections of all the rails are in good condition, full bolt and bolts tight.

The main-track switches are split point and have rigid stands with proper targets. All those on the main line connecting with the main track, and also on the portion of the Syracuse, Binghamton and New York division where there are automatic block signals, are connected with automatic signals. Switch and semaphore lamps show red light for danger and green for safety; yellow is used for caution. Main-track frogs with all except the lighter rail are spring rail, and all are in good condition. Derailing switches are in all sidings where their use appears necessary, and have proper targets.

The main-line tracks are ballasted with gravel in fair quantity from the Pennsylvania-State line to Groveland, and from Groveland to Buffalo with broken stone in good quantity. Quite extensive improvement has been made in the ballasting since the last inspection. The Utica and Syracuse, Binghamton and New York divisions are ballasted with gravel and cinders generally in good quantity; the Oswego and Syracuse division with gravel and cinders in fair quantity; the Cincinnatus branch with gravel and cinders in medium quantity; and the Cayuga division with gravel and cinders in fair to good quantity. The alignment and surfacing of track is good and the outer rail on curves is properly elevated for the speed at which the trains operate. The average length of the track sections is 3 miles where double track is maintained and 6 miles where it is single track. The average force on each section consists of a foreman and 6 laborers. Each gang is provided with flags, lanterns, and torpedoes, and all portions of the road are patrolled daily.

Other railroads are crossed at grade as follows: On Lake street, Elmira, one track of the Elmira Light and Railroad Company (electric): there are no derailing switches in the track of the electric railroad and the netting over the trolley wire is too short. At Elmira, one track of the Elmira and Cortland branch of the Lehigh Valley railroad: the crossing is protected by a modern and complete interlocking plant. At Erwin, one track of the Rochester division of the Erie railroad: the crossing is protected by a modern and complete interlocking plant. Near Port Morris, one track of the Port Morris branch of the Erie railroad: the crossing is protected by a modern and complete interlocking plant. Near Port Morris, one track of the Pennsylvania railroad: the crossing is protected by a modern and complete interlocking

plant. At Cheektowaga, one track of the Buffalo, Bellevue and Lancaster railroad (electric): there are no derailing switches in the track of the electric road nor protection over the trolley wire; the highway on which the electric track runs is protected by a flagman and gates. At East Buffalo, 3 tracks of the Pennsylvania railroad: the crossing is protected by a modern and complete interlocking plant. At Smith street, Buffalo, 3 tracks of the Buffalo Creek railroad, 2 of the Pennsylvania road, and 2 of the New York, Chicago and St. Louis railroad, side by side: the crossing is protected by disc signals located on a tower, and all trains are required to come to a full stop before crossing; this is a very dangerous crossing, and the question of its elimination has been under consideration by your Commission; also by the former Board of Railroad Commissioners; there have been within the past few years several serious accidents, and the elimination of this crossing should not be deferred. On Clinton avenue, Buffalo, 2 tracks of the International railway: there are derailing switches in the track of the electric road, but they are too close to the steam railroad track; and the protection over the trolley wire is too short. The Black Rock branch, which has a switching track around Buffalo, crosses 2 tracks of the International railway (electric) on Walden avenue: there are no derailing switches in the track of the electric road, but proper protection over the trolley wire. Two tracks of the same railway on Genesee street: there are derailing switches in the track of the electric road, but the protection over the trolley wire is too short. One track, same railway, on Bailey avenue: there are derailing switches in the track of the electric railroad, but the protection over the trolley wire is too short. Two tracks of the same railway on Kensington avenue: there are derailing switches in the track of the electric road, but the protection over the trolley wire is too short. One track of the Black Rock branch of the Erie railroad in North Buffalo yard: the tracks in this vicinity are operated only for switching purposes and the trainmen protect their trains when using the crossing. The Utica division crosses one track of the New York, Ontario and Western railway at Utica: the crossing is protected by tilting board signals, and all trains are required to come to a full stop. One track of the Utica and Mohawk Valley Electric railway on Whitesboro street and one on Columbia street, Utica: there are derailing switches in the track of the electric road and proper protection over the trolley wire. Two tracks of the West Shore railroad near Utica: the crossing is protected by gates, and all trains required to come to a full stop; a modern and complete interlocking plant is now being installed at this place. Two tracks of the Utica and Mohawk Valley railroad at New Hartford: there are derailing switches in the track of the electric road and a proper protection over the trolley wire; since last inspection a guide-rail has been put in from the derailing switch on the electric road to insure against the derailed car continuing on down the grade to the railroad track. The Syracuse, Binghamton and New York division crosses 4 tracks of the Erie railroad at Binghamton: the crossing is protected by a modern and complete interlocking plant. A wye track connecting this line with the main line at east end of Binghamton yard crosses 2 main tracks of the Erie railroad: this crossing is also protected by a modern and complete interlocking plant. One track of the Binghamton railway (electric) on Robinson street, Binghamton: there are no derailing switches in the track of the electric road, but a proper protection over the trolley wire. One track of The Delaware and Hudson Company's railroad at Binghamton: the crossing is protected by a modern and complete interlocking plant. One track of the Elmira and Cortland branch of the Lehigh Valley railroad at Cortland Junction: the crossing is protected by a modern and complete interlocking plant. One track of the Cortland County Traction Company's railroad (electric) at Cortland: there are derailing switches in the track of the electric road and proper protection over the trolley wire. One track of the same company's railroad at Homer: there are no derailing switches in the track of the electric road but proper protection over the trolley wire; the crossing is also protected by a flagman. One track of the Syracuse Rapid Transit Company's railroad (electric) on Grape street, Syracuse: there are no derailing switches in the track of the electric road but a proper protection over

the trolley wire. Two tracks of the same company's railroad on South Salina street, Syracuse: there are derailing switches in the track of the electric road and proper protection over the trolley wire. Two tracks of the same company's railroad on West Onondaga street, Syracuse: there are no derailing switches in the track of the electric road but a proper protection over the trolley wire. Two tracks of the same company's road on Walton street, Syracuse: there are no derailing switches in the track of the electric road but a proper protection over the trolley wire. Two tracks of the same company's road on West street, Syracuse: there are no derailing switches in the track of the electric road but a proper protection over the trolley wire. One track of the Auburn branch of the New York Central and Hudson River railroad at Syracuse: the crossing is protected by a modern and complete interlocking plant. The Cayuga division crosses 2 main tracks and 4 sidings of the Erie railroad at Owego: the crossing is protected by a modern and complete interlocking plant. One track of the Auburn division of the Lehigh Valley railroad at Owego: the crossing is protected by a semaphore signal, and all trains are required to come to a full stop. One track of the Elmira and Cortland branch of the Lehigh Valley railroad at Corfu: the crossing is protected by a target signal, and all trains required to come to a full stop. One track of the Auburn branch of the Lehigh Valley railroad at Ithaca: the crossing is protected by semaphore signals, and all trains are required to come to a full stop. One track of the Ithaca Street railway at Ithaca: there are no derailing switches in the track of the electric road but a proper protection over the trolley wire.

Interlocking plants are maintained on the main line at Erwin, protecting crossing of the Erie railroad; one near Mount Morris, protecting the crossing of the Erie railroad; another near Mount Morris, protecting the crossing of the Pennsylvania railroad; at Bailey avenue, Buffalo, protecting the crossing of the Pennsylvania railroad; at Elmira, protecting the crossing of the Lehigh Valley railroad; at Cortland, protecting yard switches; on the Utica division at Utica, protecting a drawbridge over the canal; on the Syracuse, Binghamton and New York division, 2 in Binghamton, protecting the crossings of the Erie railroad; one at Binghamton, protecting crossings of The Delaware and Hudson Company's railroad; one at Syracuse, protecting the crossing of the Auburn branch of the New York Central and Hudson River railroad; one at Cortland, protecting the crossing of the Lehigh Valley railroad; on the Cayuga division, one at Owego, protecting the crossing of the Erie railroad.

The right of way is clear and clean and fenced with wire, generally in good repair. The highway crossings are properly graded, well planked, and protected by signs of the X form suitably located and well painted. Metallic slat cattle-guards with proper guard-fences are in place at each boundary of all the highways crossed at grade. On the main line there are 25 crossings protected by flagmen, 34 by flagmen and gates, 37 by electric bells, and 126 unprotected; on the Utica division, 16 by flagmen, 13 by flagmen and gates, 23 by electric bells, and 56 unprotected; on the Syracuse, Binghamton and New York division, 17 by flagmen, 11 by flagmen and gates, 19 by electric bells, and 44 unprotected; on the Cincinnatus branch, 17 unprotected; on the Oswego and Syracuse division, 14 by flagmen, 3 by flagmen and gates, 4 by electric bells, and 5 unprotected; on the Cayuga division, 2 by flagmen and gates, and 45 unprotected.

Movements of trains on the entire main line and the larger portion of the Syracuse, Binghamton and New York division are governed by automatic electric block signals, and the work is well under way of extending those signals over the division; and on the remaining lines the movements of trains are governed by the telephonic train order system.

The station buildings are in first-class condition, clean and neat and in good sanitary condition. Water for drinking is provided and time-tables are posted in the waiting rooms. Water in pails, fire extinguishers, and hose at stations where there is a water system, are provided for fire protection. The station platforms are of plank, gravel, concrete, and stone screenings; the use of concrete for station platforms is becoming general, and whenever station platforms require renewal they are replaced with concrete. At stations

where there is a water system, sanitary closets are provided; at the others, outside closets, properly cared for. The station grounds and yards are well kept. At the principal ones there are lawns and ornamental plants, shrubs and flowers. All station and train employees are uniformed, and wear badge indicating employment.

There has been general improvement in the condition of the property since the last inspection, the principal improvements noted as follows: About 7 per cent of the cross-ties have been renewed; 68 miles of 91-lb. open hearth steel and 37 miles of 91-lb. Bessemer steel rail have been laid in main-line track, replacing 80-lb. rail; 5.63 miles of 70-lb. rail on the Utica division, replacing 60-lb. rail; 1 mile of 91-lb. open hearth steel rail on the Syracuse, Binghamton and New York division, replacing 80-lb. rail; 4.75 miles of 80-lb. steel rail on the Oswego and Syracuse division, replacing 67-lb. rail; 1.25 miles of 75-lb. rail on the Cayuga division, replacing 60-lb. rail; 33 miles of double track on the main line have been re-ballasted with crushed stone and gravel, 8 miles of the Utica division with cinders, 2.50 miles of the Oswego and Syracuse division with cinders, 2 miles of the Cincinnatus branch with cinders, and 3 miles of the Cayuga division with cinders; 10 new steel bridges have been put in, replacing lighter structures; masonry to 19 bridges has been rebuilt or extensively repaired; 3 concrete and metal culverts replacing bridges; 22 open culverts and cattle-passes rebuilt or replaced with concrete box culverts and filling; a large number of iron pipes put in, replacing open culverts; extensive repairs and renewals made to trestles on the Cincinnatus branch; extensive repairs and renewals have been made to bridge, trestle, open culvert, and cattle-pass floors, and a large number of bridges and buildings re-painted; extensive improvements have been made in most of the principal yards and considerable new track added, especially at Elmira, East Buffalo, and Buffalo on the main line, at Norwood, Sherburne, and Poolville on the Utica division, and at Binghamton on the Syracuse, Binghamton and New York division; about 21.50 miles of new fence has been built on the main line and 77 miles extensively repaired; 51 miles on the Utica division extensively repaired; 11 miles of the Syracuse, Binghamton and New York division repaired; 2 miles of the Oswego and Syracuse division repaired; 2½ miles of new fence built on the Cayuga division and 5 miles repaired.

Recommendations: That the wooden structures on the Cincinnatus branch which are becoming old be repaired, rebuilt, or replaced in the near future, and that the 60-lb. worn rail on the Cayuga division be replaced.

J. D. SHULTZ,
Steam Railroad Inspector.

DUNKIRK, ALLEGHENY VALLEY AND PITTSBURGH RAILROAD.

Inspected August 21, 1909. Last previous inspection October 9, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Dunkirk, Allegheny Valley and Pittsburgh railroad and respectfully submit the following report:

The Dunkirk, Allegheny Valley and Pittsburgh connects with the Lake Shore and Michigan Southern railway at Dunkirk, and in this State extends to the Pennsylvania line near Fentonville, a distance of 42.26 miles single track, and has 6.32 miles of sidings and yard tracks. The general alignment of the road is very fair and most curves light. There are 5 curves of 8 degrees between Norton and Lakeside. The grades are considerably broken and steep in places: the maximum is 74 ft. per mile for about 1800 ft. between Norton and Lily Dale. The roadway is fairly well graded and ditches properly maintained.

Steel and iron bridges are in good condition. Some of them are newly painted and men are now engaged painting others. The masonry is good excepting one abutment to a plate girder bridge at Gerry: this abutment is failing and bents have been placed under the ends of the girder on that account. The ties and guard timbers are of standard dimensions and properly maintained. Inside guard-rails have been placed on all of them. There are

no wooden bridges and no overhead obstructions. There are 3 timber trestles yet remaining in the main track: all are of standard construction and in good repair. There are 16 open culverts and cattle-passes remaining in the main track, constructed entirely of timber, all in sound condition. The others have masonry abutments and I-beam stringers; ties and guard timbers are standard and properly maintained. The arch, box, and pipe culverts are in proper condition. About 60 per cent of the cross-ties are white oak, 6 x 8 in., 8 ft. in length; and 40 per cent chestnut, 7 x 10 in., 8 ft. in length; laid at the rate of 2816 to the mile of track. They are in very good condition, properly spaced and full spiked. Eleven miles of main track are laid with 70-lb., 4 miles with 65-lb., and the remainder, 27.56 miles, with 56-lb. steel rail; the 70-lb. rails are connected by angle plates 32 in. in length with 6 bolts; the remainder of the rail by angle plates 24 in. in length with 4 bolts. The lighter rail is somewhat worn but in fair condition for the light traffic and moderate speed maintained; all the connections full bolted and no loose bolts were observed. Main-track switches are split point; both rigid and automatic stands are used; targets in proper condition. Lamps show red light for danger and white for safety; green is used for caution. Most frogs are rigid and all are fairly maintained. Derailing switches are in all sidings where their use appears necessary, and have proper targets.

The track is ballasted with gravel, cinders, and slag, in medium to fair quantities. The alignment and surfacing are good and the outer rail on curves elevated properly for the speed at which the trains are scheduled. The average length of track sections is 5.80 miles, and the force employed upon each consists of a foreman and 3 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the track are patrolled daily.

One track of the New York, Chicago and St. Louis railroad and one track of the Pennsylvania railroad, side by side, are crossed at grade in Dunkirk: the crossing is protected by tilting board signals, and all trains are required to come to a full stop. Two tracks of the Erie railroad are crossed at grade at Falconer Junction: the crossing is protected by a modern and complete interlocking plant. A switch of the Erie railroad is crossed at grade close to the terminal of the Dunkirk, Allegheny Valley and Pittsburgh railroad at Dunkirk: the movements of all trains at this point are very slow, and the trainmen protect the crossing when desiring to use it. The only interlocking plant maintained is at the crossing of the Erie railroad at Falconer Junction.

The right of way is clear and clean, and fenced with wire generally in fair repair. The highway crossings are well graded, planking in proper condition, and are protected by signs of the diamond form. Cattle-guards are wooden slat pattern and missing at a number of crossings. Three highway crossings are protected by flagmen, 1 by an electric bell, and the remaining 38 by crossings signs only.

The movements of trains are governed by the telegraphic train order system.

The station buildings are generally small but apparently sufficient for requirements. They are properly maintained, and clean and neat and suitably furnished. Platforms are of plank, gravel, and cinders.

The road shows general improvement. Since the last inspection about 10 per cent of cross-ties have been renewed; 6.18 miles of main track have been re-ballasted with slag and 0.50 with cinders; several bridges have been re-painted and men are now engaged painting others; 1 timber trestle has been replaced with castiron pipe and filling; 2 stone box culverts replaced with iron pipe; the masonry of 3 bridges has been extensively repaired. The station at Fredonia was burned, and a temporary station has been erected there; a new station will be erected soon. Repairs have been made to Falconer, Titusville, and Sinclairville stations; extensive repairs have been made to Dunkirk engine house; 4.69 miles of new woven wire fence have been erected, and 2.81 miles extensively repaired.

Recommendations: That the abutment to plate girder bridge at Gerry, which is in poor condition, be rebuilt; and that necessary repairs be made to fence. Referring to recommendation contained in report of last inspection, "that necessary repairs be made to bridge masonry and that cattle-guards

with proper guard-fences be maintained at each boundary of all highways crossed at grade," the masonry then found out of condition has been repaired. The cattle-guards have not in all cases been restored.

J. D. SHULTZ,
Steam Railroad Inspector.

ERIE RAILROAD.

Inspected October 13–22, 1909. Last previous inspection November 6–15, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the lines of railroad in this State owned or leased and operated by the Erie Railroad Company, and respectfully submit the following report:

New York Division.

The portion of the main line in this State extends from the New Jersey-State line near Suffern to Sparrowbush, at west end of the Port Jervis yard; it is all double tracked, 60.30 miles, and has third main line track, 12.85 miles, on the hill east of Port Jervis and near the New Jersey-State line; also a little fourth main track, 0.75 mile, in the same vicinity; and 108.60 miles sidings and yard tracks. The Newburgh branch connects with the main line at Greycourt and extends to Newburgh, 18.73 miles, and has second main track, 5.58 miles, between Vail's Gate Junction and Newburgh; and 15.34 miles sidings and yard tracks. The Newburgh and New York branch connects with the main line at Newburgh Junction and extends to a connection with the Newburgh branch at Vail's Gate Junction, 12.64 miles, and has second main track, 4 miles, between Newburgh Junction and Highland Mills; and 3.59 miles sidings and yard tracks. The Montgomery branch connects with the main line at Goshen and extends to Montgomery, 10.45 miles, and is a single-track road, with 2.28 miles sidings and yard tracks. The Pine Island branch, a single-track line, connects with the main line at Goshen and extends to Pine Island, 11.64 miles, with 3.04 miles sidings and yard tracks. The Crawford branch, a single-track road, connects with the main line of the New York, Ontario and Western railway at Crawford Junction and extends to Pine Bush, 10.22 miles, with 0.92 mile sidings; between Crawford Junction and Middletown trains of this branch operate over the tracks of the New York, Ontario and Western railway. Erie and Jersey railroad, a newly constructed double-track line, 38.10 miles first track and 37.50 miles second track, connects with the Newburgh and New York branch at Highland Mills and extends to a connection with the main line at Guymard, and has 6.09 miles sidings and yard tracks; this road was built to avoid the heavy grades of the main line between Guymard and Newburgh Junction.

The main line is considerably crooked, but most of the curves are fairly light, a maximum curve of 6 degrees and 40 minutes west of Goshen. The grades are steep and long, but fairly regular, a maximum of 60 ft. per mile near Otisville. The Newburgh branch has generally light curves and regular grades: a maximum curve of 5 degrees west of Vail's Gate, and a maximum of 65 ft. per mile for 2.5 miles west from Newburgh. The Newburgh and New York branch has all light curves and mainly moderate grades: a 4 degree curve at Highland Mills and Mountainville, and a maximum grade of 58 ft. per mile east of Vail's Gate Junction. The Montgomery branch has good alignment and all curves are light, a maximum of 3 degrees near Vreeleytown; the grades are also light and fairly regular, a maximum of 40 ft. per mile for 1.75 miles north from Goshen. The Pine Island branch has good general alignment and there are few curves, a maximum of 5 degrees at Florida; the grades are also light and for much of the distance practically level, a maximum of 45 ft. per mile east of Florida. The Crawford branch has few curves and most of them light, a maximum of 5 degrees at Pine Bush; the grades are somewhat broken but generally light, a maximum of 45 ft. per mile near Pine Bush. The Erie and Jersey

railroad has first-class alignment, very few curves, and those light, one of 9 degrees at west end of Otisville tunnel; the grades are very light and regular, a maximum of 31.70 ft. per mile near Howells.

The cuts and embankments of the older lines are of good width and proper slopes, and roadway well drained. Subdrains are used in wet cuts with good results. The Erie and Jersey railroad, recently put in operation, has cuts which, while sufficient material was taken out, were left with steep slopes, and the material being of a clay and quicksand nature has crumbled or washed down, filling the ditches extensively. At the time the inspection was being made a large force of men, and also a steam ditcher, was at work cleaning the ditches. It will be necessary to have these ditches thoroughly cleaned before winter or it will result in bad track when heavy freezing occurs. The embankments of this line are of good width and natural earth slopes.

The steel and iron bridges of the main line are generally in good condition; some however should be painted to prevent injury from rust. The masonry is generally first class and arrangements are made for making repairs where needed. Bridge No. 18.36 of the Newburgh branch, a light viaduct structure in Newburgh, is supported on bents on account of being too light; it is however in safe condition. All the bridges of this line have good masonry, and while a few of them are light they are of sufficient strength for the class of motive power and rolling stock operated. On the Newburgh and New York branch No. 0.4 is an old bridge in one track and is supported on bents pending renewal. A new bridge is ordered for this place and is to be put in in the near future. All others are in good condition, with proper masonry. There is only one small bridge in the Montgomery branch track: it is in good condition throughout. There is but one in the track of the Pine Island branch, and that is in good condition excepting that it needs painting. There are no bridges in the roadway of the Crawford branch. All the bridges of the Erie and Jersey railroad are new and in first-class condition throughout. All the bridges of the division have standard ties and guard timbers, properly maintained, and inside guard-rails are in place on all the long and high structures.

There are no wooden bridges in the roadway of any of the lines, and the only wooden bridges maintained are for overhead highway or farm crossings, and many bridges for such crossings are of iron. All are properly maintained, and any less than 21 ft. above the track are protected by warning signals. There are 17 overhead bridges or bridge portals, and also the Otisville tunnel, that are less than 21 feet above the rail. It is probable that a few of those might be raised without serious expense, but to determine just what can be done would require a special survey in each case. The only timber trestles remaining in the roadway are in the Pine Island branch: there are 4 of these, all low structures with pile or framed bents, of standard construction, and in good condition. All the open culverts and cattle-passes on the main line have masonry abutments and I-beam stringers. Nos. 55.68 and 56.08 have poor masonry and will require attention soon. No. 1.36 in the Newburgh branch also has poor masonry. On the Newburgh and New York branch some have dry masonry, but all are in fair condition. On the Montgomery branch, Nos. 1.15, 3.20, 6.33, 7.55, and 8.04 have bad masonry and the stringers are supported on bents. All the masonry to open culverts and cattle-passes on this line is also dry, of small stone generally, and most of it needs attention. Nos. 1.16, 3.07, 3.16, and 5.28 of the Pine Island branch also have poor masonry, needing attention. On the Crawford branch there are 16 such structures, all with poor masonry. There are no open culverts or cattle-passes on the Erie and Jersey railroad. The larger proportion of the open culverts and cattle-passes of all the lines have I-beam stringers; some have wooden stringers; all are in good condition. The ties and guard timbers of all are of standard dimensions and properly maintained. The arch, box, and pipe culverts are generally in good condition. There is one twin arch culvert on the Erie and Jersey railroad, recently constructed, that has one wing broken off and a parapet wall

also broken; another wing shows indications of falling, and it is probable that this structure will have to be reinforced to preserve it.

The standard dimensions of cross-ties are 7 x 9 in., 8½ ft. in length, and they are laid at the rate of approximately 2816 to the mile of track. On the main line they are 97½ per cent yellow pine and 2½ per cent oak; on the Newburgh branch 96 per cent yellow pine and 4 per cent oak; on the Newburgh and New York branch 97 per cent yellow pine and 3 per cent oak; on the Montgomery branch 98 per cent yellow pine and 2 per cent oak; on the Pine Island branch 94 per cent yellow pine and 6 per cent oak; on the Crawford branch 97 per cent yellow pine, 2 per cent oak, and 1 per cent chestnut; on the Erie and Jersey railroad all yellow pine. They are fairly well spaced and full spiked on all the lines. Tie-plates are used on sharp curves and on many tangents of the important lines. They are in very fair condition, necessary renewals for the season having been made.

The main line has its two important tracks laid almost entirely with 90-lb. steel rail; some 100-lb. rail is used; on the third track, used for freight purposes, between Otisville and Guymard, there is some lighter rail used; 17.40 miles are laid with 100-lb., 108.33 miles with 90-lb., 5 miles with 80-lb., and 2.97 miles with 74-lb. steel rail; the 100-lb. rail, part of the 90-lb. rail, and the 80-lb. rails are connected by angle plates 24 in. in length with 4 bolts; the remaining portion of the 90-lb. and the 74-lb. are connected by angle plates 34 in. in length with 6 bolts; the rail is in very good condition, all the connections full bolted, and bolts tight. The Newburgh branch has 0.51 mile laid with 90-lb., 7.50 miles with 80-lb., and 16.30 miles with 74-lb. steel rail, all connected by angle plates 34 in. in length with 6 bolts; the rail is in very fair condition, all connections full bolted, and no loose bolts were observed. The Newburgh and New York branch has 8 miles laid with 90-lb., and 8.64 miles with 63-lb. steel rail, all connected by angle plates 24 in. in length with 4 bolts; the 63-lb. rail is considerably worn, especially between Highland Mills and a point north of Woodbury, and some renewals are needed; the 90-lb. rail is in good condition, much of it new; all the connections are full bolted and bolts tight. The Montgomery branch has 0.87 mile laid with 90-lb., 4.93 miles with 74-lb., and 4.65 miles with 63-lb. steel rail; the 74-lb. and part of the 90-lb. rails are connected by angle plates 34 in. in length with 6 bolts: the remaining rail by angle plates 24 in. in length with 4 bolts; the 63-lb. rail is considerably worn and some renewals are needed, and in this lighter rail some bolts are loose. All the connections are full bolted. The Pine Island branch has 2.70 miles laid with 80-lb., and the remainder, 8.94 miles, with 63-lb. rail, all connected by angle plates 24 in. in length with 4 bolts; the 63-lb. rail is considerably worn and quite extensive renewal is needed, and in that rail there are many loose bolts; the 80-lb. rail is in very good condition; all the connections are full bolted. The Crawford branch has 0.66 mile laid with 74-lb. and the remainder, 9.56 miles, with 63-lb. steel rail; the 63-lb. rails are connected by angle plates 24 in. in length with 4 bolts, and the 74-lb. by angle plates 34 in. in length with 6 bolts; the rail is in fair condition for the light traffic maintained; all the connections are full bolted and no loose bolts were observed. The Erie and Jersey railroad is laid entirely with 90-lb. steel rail, connected by angle plates 24 in. in length with 4 bolts; the rail is entirely new, all connections full bolted and bolts tight.

There is 1 Wharton switch remaining on the Montgomery branch and 3 on the Pine Island branch; aside from that, all are split point switches; both rigid and automatic stands are used. On the main line all facing switches are either protected by interlocking, or electrically locked and controlled from the towers. Many high targets are used on the Newburgh, and the Newburgh and New York branches, and at some other points where the view is to some extent obscured. All the switch stands have proper targets, fairly well painted. Switch and semaphore lamps show red light for danger and green for safety; white is used for caution. Nearly all main-track frogs are spring rail and are properly maintained. Derailing switches are in all sidings where their use appears necessary; on the main line, the

Newburgh, and the Newburgh and New York branches, nearly all are connected by interlocking with the main-track switch stands; on the Montgomery, Pine Island, and Crawford branches, some were observed lacking proper targets.

About 16 miles of main-line tracks are ballasted with gravel, and all the remaining portion with broken stone in good quantity; the Newburgh and the Newburgh and New York branches are ballasted with gravel and cinders in good quantity; the Montgomery branch with gravel and cinders in fair quantity; the Pine Island and the Crawford branches with gravel and cinders in from medium to fair quantity; the Erie and Jersey railroad is about half ballasted with broken stone and the ballasting with broken stone is being continued. The alignment and surfacing of the main line, the Newburgh, and the Newburgh and New York branches are first class; of the other lines, fair. The outer rail on curves is properly elevated for the speed at which the trains are scheduled.

The main line sections are about 4½ miles in length of the double track, and the average force maintained on each consists of a foreman and 9 laborers: on the Newburgh branch, 6 miles in length, and the average force maintained a foreman and 6 laborers; on the Newburgh and New York branch, 6¼ miles, and the average force a foreman and 6 laborers; on the Montgomery branch, 7 miles, and the average force a foreman and 5 laborers; on the Pine Island branch, 7 miles, and the average force a foreman and 5 laborers; on the Crawford branch, 10 miles, and the average force a foreman and 6 laborers; on the Erie and Jersey railroad, 4 miles of the double track, and the average force a foreman and 9 laborers; large extra gangs are also employed on this line, ditching, ballasting, surfacing tracks, etc. Each section gang is furnished with flags, lanterns, and torpedoes for protecting its work, and all portions of the road are patrolled daily by some member of the section force.

One track of the Wallkill Transit Company's electric railroad crosses at grade in Middletown: there are derailing switches in the track of the electric road but at the time of the inspection they were not in operation; there is a netting over the trolley wire, but it is too short and should be extended. The Montgomery branch crosses two tracks of the New York, Ontario and Western railway at Campbell Hall: the crossing is protected by semaphore signals that are interlocked, and all trains are required to come to a full stop before crossing; also two tracks of the Erie and Jersey railroad at Campbell Hall Junction: this crossing is protected by a modern and complete interlocking plant. Interlocking plants are maintained on the main line at Ramapo, Sterlington, West Tuxedo, Arden, Turner, Greycourt, Goshen, Middletown, East Howell, Otisville, Guymard, Port Jervis, and Sparrowbush; on the Erie and Jersey railroad at Highland Mills and Campbell Hall; on the other lines no interlocking plants are maintained excepting at the grade crossing of the New York, Ontario and Western railway by the Montgomery branch at Campbell Hall, where the signals are interlocked. The right of way of the main line is free from trees, brush, and rubbish; on the Newburgh and the Newburgh and New York branches some trees have been left near the right of way line which are now getting of sufficient size to be a possible source of danger and therefore should be removed. The right of way of the other lines is free from trees, brush, and rubbish. The fences of all the lines are partially of wire, some stone wall, and a little board fence; they are generally in poor condition, and extensive renewals and repairs are needed.

The highway crossings are well graded, planking properly maintained, and are protected by signs of the diamond or X form, in very fair condition. Cattle-guards are not maintained. On the main line there are 5 crossings protected by flagmen, 10 by flagmen and gates, 15 by electric bells, and 41 by crossing-signs; on the Newburgh branch, 4 by flagmen, 1 by electric bells, and 15 by crossing-signs; on the Newburgh and New York branch, 1 by electric bells and 8 by crossing-signs; on the Montgomery branch, 1 by flagman and 16 by crossing-signs; on the Pine Island branch, 14 by crossing-signs;

on the Crawford branch, 15 by crossing-signs. There are no crossings at grade on Erie and Jersey railroad.

The movements of trains on the main line are governed by automatic electric block signals from the New Jersey-State line to Middletown, and on the remaining portion by the manual block system; on the Newburgh branch and the Montgomery branch by the manual block system; on the Newburgh and New York branch by the manual block system from Highland Mills to Vail's Gate, and automatic electric block signals from Highland Mills to Newburgh Junction; on the Pine Island and the Crawford branches by the telegraphic train order system; and on the Erie and Jersey railroad by automatic electric block signals.

The station buildings are generally in good repair; some are rather small, but a special investigation would be necessary to determine whether they are adequate or not. All are clean and neat and the sanitary condition good. Water for drinking is provided, and folders are furnished on application to the agent. The platforms are of cement, plank, and gravel, and in good repair. The station grounds and yards are in good condition. The station building at Turner is very old; I am advised that a new station is to be erected there in the near future. At Guymard they are at present using an old car for a station; the building of the Erie and Jersey railroad necessitated the change, and it is expected a new station will be erected. At Central Valley, on the Newburgh and New York branch, the grade has been changed by the construction of the Erie and Jersey railroad so that it now requires going up a flight of twenty steps to get from the station to the track, but it is expected to raise the station to the present grade of the track. At Pine Island, on the Pine Island branch, the station building was recently burned, and at present an old passenger car is being used as a station. On the Erie and Jersey railroad no stations have as yet been erected; and no passenger trains operate over that line, it being used entirely for freight purposes.

Since the last inspection about 4 per cent of the cross-ties of the main line have been renewed, 10 per cent of the Newburgh branch, 9 per cent of the Newburgh and New York branch, 5 per cent of the Montgomery and the Crawford branches, and 9 per cent of the Pine Island branch; 6.60 miles of new 100-lb. and 10.10 miles of new 90-lb. rail have been laid in main track, and 3.66 miles of re-layer rail, replacing worn lighter rail; 4 miles of re-layer 90-lb. rail laid in the track of the Newburgh and New York branch, replacing lighter worn rail; and 2.92 miles of re-layer 80-lb. rail in the Pine Island branch, replacing worn lighter rail; 41 miles of main-line tracks have been re-ballasted with broken stone; 1.27 miles of the Newburgh and New York branch with cinders; and 6.75 miles of the Pine Island branch with cinders; bridge 75.04 of the main line, formerly a wooden stringer bridge, has been replaced with castiron pipe and filling, and bridge 40 has been extended for third track; on the Newburgh and New York branch a new 30-ft. iron girder bridge has been put in; the masonry to two bridges on the Crawford branch has been rebuilt; a new freight house has been built at Arden; repairs have been made to Arden and Chester stations on the main line, and at Newburgh on the Newburgh and New York branch; repairs have been made to the ash plant and boiler house at Port Jervis; quite extensive repairs have been made to several other station buildings and some painting done; about 2.8 miles of extension to yard tracks have been made on the main line and ½ mile on the Newburgh and New York branch; between Otisville and Port Jervis all eastbound sidings have been connected up and made into a third main track; the Erie and Jersey railroad has been completed and put in operation, and the Newburgh and New York branch double tracked between Highland Mills and Newburgh Junction, a distance of about 4 miles; 5.20 miles of new fence have been erected on the main line and 1 mile repaired; 1 mile of new fence erected on the Montgomery branch and ¼ mile repaired.

Recommendations: That the cuts of the Erie and Jersey railroad be thoroughly ditched; that bridge No. 0.4 of the Newburgh and New York branch, which is an old structure and too light, and for which a new bridge is ordered, be replaced as promptly as possible, and that the bridges needing it be painted to prevent injury from rust; that open culverts and cattle-passes

Nos. 55.68 and 56.08 of the main line have masonry rebuilt; also that the masonry to No. 1.36 of the Newburgh branch, and Nos. 1.15, 3.20, 6.33, 7.55, and 8.04 of the Montgomery branch, all with poor masonry, be rebuilt; that the masonry to Nos. 1.16, 3.07, 3.16, and 5.28 of the Pine Island branch be rebuilt; and the dry masonry to open culverts and cattle-passes of the Crawford branch be rebuilt or repaired, as much of it is in poor condition; that targets be put on the stands of derailing switches where now lacking; that all trees upon the right of way of the Newburgh and the Newburgh and New York branches be cut and removed, and that fences be put in proper repair; that a new station building be promptly erected at Turner; also one to replace the one that was burned at Pine Island, on the Pine Island branch.

Regarding the recommendations contained in report of last inspection: Some repairs have been made to fences; cattle-guards have not been maintained, although the law requires them, and I do not think they are important; the sanitary condition of the outside closets has been apparently improved; a new station building has not been erected at Turner as recommended.

New Jersey and New York Division.

The greater portion of the New Jersey and New York division is in the state of New Jersey, the portions in this State consisting of that part of the New Jersey and New York Railroad from the New Jersey-State line near Pearl River to Nanuet Junction, and from Spring Valley to Haverstraw, and is a single-track road, 13.85 miles main track and 3.99 miles sidings and yard tracks, the trains of this line running on the intermediate portion between Nanuet Junction and Spring Valley on the track of the Piermont branch. The New City branch connects with the main line at Nanuet Junction and extends to New City, and is a single-track road, 4.29 miles main track and 0.25 mile sidings. The Piermont branch extends from Piermont to a connection with the main line at Suffern, and is a single-track road, 18 miles main track and 3.58 miles sidings and yard tracks. The Northern Railroad of New Jersey extends from the New Jersey-State line near Tappan to Nyack, and is partially double tracked, 5.82 miles first track, 2.5 miles second track, and 1.68 miles sidings and yard tracks.

The New Jersey and New York railroad is considerably crooked, but most curves are light, a 9 degree maximum at Haverstraw; the grades are long and somewhat broken, a maximum of 85 ft. per mile east of Haverstraw. The New City branch has all light curves, a maximum of 3 degrees 30 minutes near New City; and the grades are light and regular, a maximum of 58.8 ft. per mile east of New City. The Piermont branch has good general alignment and the curves light, a 6 degree maximum at Sparkill; the grades are generally light and fairly regular, a maximum of 58 ft. per mile for about 5 miles east of Monroe. The Northern Railroad of New Jersey is considerably crooked, with curves moderately sharp, a maximum of 6 degrees near Sparkill; the grades are regular but long and fairly steep, a maximum of 74 ft. per mile north of Sparkill.

On the New Jersey and New York railroad there are some cuts that are rather narrow to admit of good ditches, and some slopes are upheld by retaining wall, all in fair condition. The embankments are of fair width and proper slopes and the roadway is generally very well drained. The other lines comprising this division are well graded and the drainage system good.

The steel and iron ridges are generally in good condition except that several of them would be benefited by an additional coat of paint. No. 30.97 is very light and is supported on bents: this bridge has been in the same condition for a number of years; it is safe while the bents are securely maintained, but in a running stream of this sort there is a possibility of bents being displaced in times of heavy freshet; therefore it would appear to me advisable to replace this bridge. The masonry to the bridges is in from fair to good condition, the ties and guard timbers are of standard dimensions and properly maintained, and inside guard-rails have been placed on them. There are no wooden bridges in the roadway. Those for overhead highway and farm crossings are properly maintained. There are 3

overhead bridges on the New Jersey and New York railroad and 6 on the Piermont branch that are less than 21 ft. above the track; some of them can evidently be raised without serious expense so as to give proper clearance, but to determine just which ones would necessitate a special survey in each case; all are protected by warning signals properly maintained. On the New Jersey and New York railroad there are 2 short spans of framed bents at the end of an iron bridge: they are in proper condition. On the Piermont branch there are 5 trestles with pile or framed bents, all of standard construction and properly maintained. There yet remains 1 open culvert on the New Jersey and New York railroad, constructed entirely of timber; it is in good, safe condition. On the Piermont branch there are 5 such structures: 1 constructed entirely of timber, the others have masonry abutments and I-beam or timber stringers; all are in good condition excepting No. 2.63, which has poor abutments and the stringers are supported on bents placed inside the abutments. On the New City branch and the Northern Railroad of New Jersey there are no such structures. The arch, box, and pipe culverts are apparently in good condition.

The standard dimensions of cross-ties are 7 x 9 in., 8½ ft. in length, and they are laid at the rate of 2816 to the mile of track. On the New Jersey and New York railroad 90 per cent are yellow pine, 7 per cent oak, and 3 per cent chestnut; on the New City branch, 98 per cent yellow pine, 1 per cent oak, and 1 per cent chestnut; on the Piermont branch, 95 per cent yellow pine, 4 per cent oak, and 1 per cent chestnut; on the Northern Railroad of New Jersey, 90 per cent yellow pine, 8 per cent oak, and 2 per cent chestnut. They are well spaced, full spiked, and in good general condition, necessary renewals having been made.

The New Jersey and New York railroad has 3.57 miles laid with 80-lb., 2.09 miles with 74-lb., and the remainder, 8.19 miles, with 60-lb. steel rail; the New City branch is laid entirely with 74-lb. steel rail; the Piermont Branch with 80-lb. steel rail, and the Northern Railroad of New Jersey with 80-lb. steel rail. The 80-lb. rails are connected partially by angle plates 36 in. in length with 6 bolts, and the remainder by angle plates 24 in. in length with 4 bolts; the 74-lb. rails by angle plates 34 in. in length with 6 bolts; the 60-lb. by angle plates 24 in. in length with 4 bolts. The lighter rails on the New Jersey and New York railroad are somewhat worn, but still in fair condition for the light traffic and moderate speed maintained; the rail on the other lines is all in from fair to good condition. All the connections are full bolted and no loose bolts were observed. All main-track switches are split point. Both rigid and automatic stands are in use but nearly all are rigid; all have proper targets, well painted. Switch and semaphore lamps show red light for danger and green for safety; yellow is used for caution. High targets are used at obscure places. Both rigid and spring rail frogs are used and are well maintained. Derailing switches are in all sidings connecting with main track and in some cases are connected by interlocking with the main-track switch stands; all have proper targets.

The New Jersey and New York railroad is ballasted with gravel and cinders in fair quantity, the New City branch with cinders in good quantity, the Piermont branch with gravel and cinders in fair quantity, and the Northern Railroad of New Jersey is well ballasted with gravel and cinders. The alignment and surfacing of track are good, and the outer rail on curves properly elevated for the speed at which the trains are scheduled. The track sections of the New Jersey and New York railroad are about 5.5 miles in length, and the force maintained on each consists of a foreman and 6 laborers; of the New City branch, 4.29 miles in length, and the force consists of a foreman and 6 laborers; of the Piermont branch, 6 miles in length, and the force consists of a foreman and 5 laborers; of the Northern Railroad of New Jersey, 6 miles, and the force consists of a foreman and 7 laborers. Each gang is furnished with flags, lanterns, and torpedoes for protecting its work, and all portions of the road are patrolled daily.

The tracks of the Piermont branch and the New City branch cross at grade at Nanuet: the crossing is protected by a target signal, and all trains are required to come to a full stop. The track of the Piermont

branch is also crossed by the track of the Northern Railroad of New Jersey at Sparkill: the crossing is protected by a target signal, and all trains are required to come to a full stop. No interlocking plants are maintained on any of the lines.

The right of way is generally free from trees, brush, and rubbish; on the Piermont branch there remain a few scattering trees near the right of way fence which are now getting sufficiently large to be a source of possible danger. The fences are of wire and stone wall and generally in poor condition.

The highway crossings are well graded, planking properly maintained, and are protected by signs of the diamond or X form, suitably located and well painted. Cattle-guards are not maintained. On the New Jersey and New York railroad 1 crossing is protected by flagman, 3 by electric bells, and 24 by crossing-signs; on the New City branch, 10 by crossing-signs; on the Piermont branch, 2 by flagmen and gates, 3 by electric bells, and 22 by crossing-signs; on the Northern Railroad of New Jersey, 1 by flagman, 5 by flagmen and gates, 3 by electric bells, and 5 by crossing-signs.

The trains on the Northern Railroad of New Jersey and the Piermont branch are controlled by the manual block system; on the other lines by the telegraphic train order system.

The stations are generally in good repair, properly furnished, and the sanitary condition good; some are rather small, but I am unable to say that they are not sufficient for the requirements. Water for drinking is provided, and folders are furnished on application. The platforms are of cement, plank, and gravel, and very well maintained. The station grounds are properly kept.

Since the last inspection about 5 per cent of the cross-ties of the New Jersey and New York railroad, 13 per cent of the New City branch, 10 per cent of the Piermont branch, and 8 per cent of the Northern Railroad of New Jersey, have been renewed; no renewal of rail has been made excepting an occasional defective one has been replaced; necessary renewals have been made to bridge floors and to timber trestles; also repairs needed to station and other buildings.

Recommendations: That bridge No. 30.97 of the New Jersey and New York railroad, a very light structure temporarily supported on bents, be replaced; that the masonry to open culvert No. 2.63 of the Piermont branch, which is in poor condition and the stringers now supported on bents, be rebuilt; that scattering trees on the right of way of the Piermont branch be cut and removed; and that necessary repairs be made to fences.

Delaware Division.

The portions of the Delaware division in this State are from Sparrowbush, mile-post 90, to Mill Rift Bridge, mile-post 90.85, and from bridge No. 9, mile-post 117.80, to Comstocks, mile-post 86.62, a total of 69.67 miles, double track, with 14.66 miles of sidings and yard tracks. The Delaware division follows for much of its distance the banks of the Delaware river, and is very crooked with moderately sharp curves: the maximum is 6 degrees and 9 minutes, located at Skinner's switch. The grades in this State are not generally steep and are regular, the maximum is 70 feet per mile. This division is constructed for much of its length along steep hillsides and in many places the slopes of cuts are upheld by retaining wall, and retaining and slope walls are also used in very many places to protect the embankments from the river. The roadway is well graded and thoroughly drained. Subdrains are used in the wet cuts, with good results.

The steel and iron bridges are in first-class condition, well painted, very extensive painting having been done recently; the masonry is good, ties and guard timbers are of standard dimensions and well maintained, and inside guard-rails are on all. There are no wooden bridges in the roadway and those for overhead highway and farm crossings are mainly of iron; all are in proper condition, and none are less than 21 feet above the track. There are 2 through iron bridges with portals less than that height: they are protected by warning signals, in good condition. There are no timber trestles remaining in the main track. All open culverts and cattle-passes have good masonry,

nearly all of which has been recently re-pointed; all have I-beam stringers with standard ties and guard timbers, in good condition. The arch, box, and pipe culverts are apparently in good condition.

The standard dimensions of cross-ties are 7 x 9 in., 8 and 8½ ft. in length, and are laid at the rate of 2816 to the mile of track; about 90 per cent of them are yellow pine and 10 per cent oak; they are evenly spaced, full spiked, and in good condition. Tie-plates are used on all excepting the very light curves and are double spiked on the outer side. 136.04 miles of main track are laid with 90-lb., 0.13 mile with 80-lb., and 3.20 miles with 74-lb. steel rail. The 90-lb. rails are connected by angle plates 24 in. in length with 4 bolts, the 80-lb. by angle plates 30 in. in length with 6 bolts, and the 74-lb. by angle plates 36 in. in length with 6 bolts. The rail is in very good condition, all the connections full bolted, and no loose bolts were observed. All main-track switches are split point and have rigid stands with proper targets. All facing switches are either connected with the interlocking or are electrically locked and controlled from the towers. Switch and semaphore lamps show red light for danger, green for safety; yellow is used for caution. The frogs are spring rail and are properly maintained. Derailing switches are in all sidings where their use appears necessary and are connected by interlocking with the main-track switch stands.

About 20 miles of the track are ballasted with broken stone and the remainder with gravel in good quantity. The alignment and surfacing of track are first class and the outer rail on curves properly elevated. The average length of track sections is about 4 miles of double track, and the average force maintained on each consists of a foreman and 7 laborers. Each gang is furnished with flags, lanterns, and torpedoes for protecting its work. All portions of the track are patrolled daily. At four different points where danger might be apprehended from high side cuts or steep hillsides, permanent watchmen are maintained, and in times of severe storm the entire section force is sometimes employed in that work.

No railroads, steam or electric, are crossed at grade. Interlocking plants are maintained at Tusten, Callicoon, Long Eddy, Lordville, Hancock, east of Deposit, west of Deposit, and at Gulf Summit, protecting entrance to yards, cross-overs, and governing movements of trains in their vicinity.

The right of way is free from trees, brush, and rubbish. The fences are of wire and stone wall and generally in poor condition. The highway crossings are well graded, properly planked, and all are protected by signs of the diamond or X form, suitably located; 5 grade crossings of highways are protected by electric bells and the remaining 27 by crossing-signs only.

The movements of trains are governed by the manual block system and train orders are issued by telephone.

The station buildings are in good repair, are clean and neat and the sanitary conditions good. Water for drinking is provided, and folders furnished on application to the agent. The platforms are of stone, cement, plank, and gravel, and properly maintained. The station grounds are well cared for and the yards free of rubbish and scrap material.

Since the last inspection about 12 per cent of the cross-ties have been renewed; 19.36 miles of new 90-lb. steel rail have been laid, replacing worn 90-lb. rail; 2.72 miles of main track have been ballasted with broken stone; open culvert No. 157.02 has been replaced with a concrete arch culvert, arch culvert No. 175.70 has had wing rebuilt, and the masonry to open culvert No. 159.09 has been extensively repaired; the masonry to nearly all the bridges, open culverts, and cattle-passes, also to several of the arch culverts, has been re-pointed; 20 iron bridges have been re-painted; necessary renewals have been made to bridge, open culvert and cattle-pass floors; about 0.75 mile of new fence has been erected at Callicoon and Cochecton, and some repairs made to other fence; a new wye track has been constructed at Deposit, requiring 3766 feet of track; and a total of about 1100 feet have been added to various small sidings along the road.

Recommendation: This division shows first-class maintenance, and no recommendations appear necessary, except that the fences be put in proper condition.

Susquehanna Division.

The portion of the main line of the Susquehanna division in this State extends from the Pennsylvania-State line near Great Bend to the west end of Hornell yard, 130.12 miles, all double track, and has 142.55 miles of sidings and yard tracks. The portion of the Tioga branch in this State extends from the Pennsylvania-State line near Seeley creek to a connection with the Northern Central railway at State Line Junction, a distance of 6.51 miles, and has 2.06 miles of sidings and yard tracks. From State Line Junction to Southport Junction, on the main line of the Erie railroad, the trains of this branch run over the track of the Northern Central railway. The general alignment of the main line is first class and the curves are few and generally light: the maximum is 6 degrees and 51 minutes, west of Corning. The grades are also very light and for much of the distance practically level: the maximum is 32.7 ft. per mile, for about 500 feet west of Corning. The Tioga branch is very crooked but curves are not generally sharp: the maximum is 7 degrees, near Pine City. The grades are light for much of the distance, but for about three-quarters of a mile near State Line there is a grade of 68.3 ft. per mile. The roadway of both lines is properly graded and well drained. Subdrains are used in wet cuts.

The steel and iron bridges are generally in good condition and have proper masonry, standard ties and guard timbers well maintained, and inside guard-rails on all long spans. No. 202.99 has a very light plate girder on east-bound track and is supported by an extra bent in the center; this is evidently too light and should be replaced. The bridge the old number of which was 35, just west of Owego, is also light for the heavy power now used, and should be replaced. Old No. 69, the river bridge east of Corning, has abutments that are showing indications of failure, and will need reinforcing or rebuilding soon. There is but one iron bridge on the Tioga branch: it is in good condition except that it should be painted to prevent injury from rust; it has timber abutments, but they are sound and sufficient; inside guard-rails are maintained. There is but 1 wooden bridge remaining in the roadway and that is on the Tioga branch: it is a Howe truss, 110-ft. span, at Pine City; it is in good condition and has proper masonry and inside guard-rails. The only other wooden bridges are for overhead highway and farm crossings; they are properly maintained. There are 6 overhead bridges on the main line that are less than 21 feet above the track; what ones could be raised without serious difficulty so as to give proper clearance could only be determined by special surveys. On the Tioga branch the top laterals of the Howe truss are also of insufficient height. All the overhead obstructions are protected by warning signals, properly maintained. There are no timber trestles in the main line. On the Tioga branch there are 8, all small, low structures, with pile bents; Nos. 1, 8, 9, and 10 have poor piles, and men are engaged replacing them. The ties and guard timbers are of standard dimensions and in from fair to good condition, and men are engaged replacing any needing it. All open culverts and cattle-passes of the main line have good masonry, I-beam stringers, and standard ties and guard timbers in proper repair. On the Tioga branch there are 4 such structures entirely of wood, and 2 with abutments of stone and I-beam stringers; all are in safe condition. The stone arch and box culverts and pipe drains are all apparently in good condition. There is one timber box culvert on the Tioga branch.

The cross-ties of the main line are 7 x 9 in., 8½ ft. in length, about 85 per cent yellow pine and 15 per cent oak; of the Tioga branch, 6 x 8 in., 8 ft. in length, about 67 per cent yellow pine and 33 per cent oak; all are laid at the rate of 2816 to the mile of track; they are in very good condition, properly spaced and full spiked. Tie-plates are used on all sharp curves. 254.74 miles of main-line track are laid with 90-lb., and the remainder, 5.49 miles, with 80-lb. steel rail; the rails are connected by angle plates 24 in. in length with 4 bolts and 30 in. in length with 6 bolts. The Tioga branch tracks are laid with 63-lb. rail connected by angle plates 25 in. in length with 4 bolts. The main line rail is in first-class condition; the Tioga branch rail in fair condition and renewals are being made as necessary. All connections are full bolted and no loose bolts were observed. All main-track switches are split

point and have rigid stands with proper targets. All facing switches of the main line are connected with interlocking or electrically locked and controlled from the towers. Switch and semaphore lamps show red light for danger and green for safety; yellow is used for caution. The frogs are spring rail and in good condition. Derailing switches are in all sidings connecting with main track where their use appears necessary, and have proper targets; those on the main line are interlocked with the main-track switch stands.

About 18 miles of main line are ballasted with broken stone and the balance with gravel and cinders in fair to good quantity. The Tioga branch is ballasted with gravel and cinders in fair quantity. The alignment and surfacing of the main line track are first class, of the Tioga branch fair. The outer rail on curves is properly elevated. The main line sections are about 4 miles in length of the double track, and the force employed upon each consists of a foreman and 5 laborers in winter and 10 in summer; of the Tioga branch, 6 miles in length, and the average force a foreman and 3 laborers. Each gang is furnished with flags, lanterns, and torpedoes to protect its work, and all portions of the road are patrolled daily by some member of the section force who works a portion of the time with the gang.

The main line is crossed at grade at Binghamton by a wye track connecting the main line of the Delaware, Lackawanna and Western railroad with its Syracuse, Binghamton and New York division; and the main line of the Syracuse, Binghamton and New York division, a single track, is also crossed in Binghamton: each crossing is protected by a separate interlocking plant, modern and in first-class condition. The Cayuga division, a single track, of the Delaware, Lackawanna and Western railroad, is crossed at grade at Owego: this crossing is protected by a modern and complete interlocking plant. At Corning, 2 tracks of the Pennsylvania division of the New York Central and Hudson River railroad are crossed: this crossing is protected by a modern and complete interlocking plant. On Water street, Elmira, 2 tracks of the Elmira Water, Light and Railroad Company's road (electric) cross at grade: there are no derailing switches in the track of the electric road, nor is it practicable at that place to operate them; there is a wire netting over the trolley wire, but it is too short and should be lengthened. On 14th street, Elmira, another track of that company's electric railroad crosses: there are no derailing switches at this point although they might be operated and should be in, and the netting over the trolley wire is too short and should be lengthened. No railroads, steam or electric, are crossed at grade by the Tioga branch. There are 28 interlocking plants maintained on the main line, governing the entrance to yards, passing tracks, cross-overs, and grade crossings of railroads; these are all in good condition.

The right of way is free from trees, brush, and rubbish. The fences are of wire, and generally in poor repair. The highway crossings are well graded, properly planked, and there are signs of the diamond or X form suitably located and in proper condition at each crossing; 12 highway crossings of the main line are protected by flagmen, 41 by flagmen and gates, 8 by electric bells, and 89 by crossing-signs only. On the Tioga branch there are 3 highway grade crossings, all protected by crossing-signs only.

The movements of trains on the main line are governed by the telegraphic manual controlled block, positive for passenger trains, and permissive for freight in special cases; the movements of trains on the Tioga branch are governed by the telegraphic train order system.

The stations are in the same general condition as on the New York and Delaware divisions, and the same remarks apply.

Since the last inspection about 8 per cent of cross-ties have been renewed; 9.50 miles of new 90-lb. and 2.26 miles of new 80-lb. rail have been laid in the main line tracks, replacing worn rail; 30.41 miles of main line tracks have been re-ballasted with gravel, stone, and cinders; 9 bridges have been replaced; 7 open culverts and cattle-passes rebuilt; extensive repairs have been made to the masonry of 5 bridges, and lighter repairs and re-pointing to others; considerable repairs have been made to passenger and freight stations at Hornell, Waverly, Addison, Corning, Owego, and Binghamton, and light repairs to others; repairs have been made to the shops at Hornell, to the

Elmira roundhouse, and the creameries at Tioga Center and Campbell's; the stations at Hornell and Addison have been re-painted, and new platforms built at Addison; the creamery at Tioga Center, freight office at Binghamton, water tanks at Hornell, Cameron, Corning, Elmira, Southport, Smithboro, Owego, and Union, and 20 bridges of the main line, have been re-painted; 5.85 miles of main line fence have been rebuilt and some repairs made to other fences of the main line and of the Tioga branch; some extension has been made to yard tracks at Binghamton, Elmira, Addison, Hornell, etc.; the grade crossing at Taylor street, Hornell, has been eliminated by putting in an undergrade crossing, thus removing from the level of the railroad tracks extensive foot and team travel, and also the track of an electric railroad; other minor new work and repairs have been made at various points on the division.

Recommendations: That the girder at mile-post 202.99 and the through bridge No. 35 at Owego, which are light, be replaced with stronger structures, and that the abutments to bridge No. 69, east of Corning, be reinforced or rebuilt; that the repairs now under way to timber trestles Nos. 1, 8, 9, and 10 of the Tioga branch be completed as soon as possible; that the fences be put in proper repair.

Buffalo Division.

The main line of the Buffalo division comprises that portion of the main line of the Erie road between Hornell and Buffalo, 92.24 miles double track and 117.74 miles sidings and yard tracks. The Niagara Falls branch connects with the main line at East Buffalo and extends to Suspension Bridge, 24.01 miles first track, 6.4 miles second track, and 23.24 miles sidings and yard tracks. The International branch, a freight line, connects with the Niagara Falls branch at International Junction and extends to Black Rock, 4.5 miles double track and 8.97 miles sidings and yard tracks. The Black Rock branch connects with the International branch in Black Rock yard and extends to the river front, 1.14 miles main track. The Buffalo and Southwestern branch connects with the Buffalo Creek railroad at South Buffalo and extends to a junction with the Meadville division at Waterboro, 55.78 miles main track and 15.05 miles sidings and yard tracks.

The easterly portion of the main line is somewhat crooked, and the alignment of the westerly end is first class; most curves are light and fairly regular, a maximum of 7 degrees at Portage; the grades while somewhat broken are generally light and are now being improved, a maximum of 48 ft. per mile for 3.3 miles east of Attica. The Niagara Falls branch, International branch, and Black Rock branch have good general alignment and curves and grades light. The Buffalo and Southwestern branch has generally good alignment; nearly all curves are light, a maximum of 8 degrees east of Dayton; the grades on much of the road are light, but between Gowanda and Dayton, for a distance of about 4½ miles, there is an extremely heavy grade, 132 ft. per mile.

The roadway of all the lines is very well graded and properly drained. Subdrains are used in wet cuts. The grades and curves of the main line are being reduced between Hornell and Hunt's; this is extensive work and doubtless will not be completed this season; while this work is in progress a single track is being used in places, and in some cases temporary tracks are laid outside the regular location for use while the re-grading is being done.

The steel and iron bridges are in good condition; a few of them would be benefited by the addition of a coat of paint; generally, they have good masonry. One on the Niagara Falls branch, and a few on the Buffalo and Southwestern branch, have abutments of timber; all are in good condition; the ties and guard timbers are of standard dimensions and in proper repair; inside guard-rails are maintained. There are no wooden bridges remaining in the roadway; those for overhead highway and farm crossings are in proper condition. All overhead obstructions are protected by warning signals. There are 5 overhead obstructions on the main line less than 21 ft. above the track: nearly all are overhead street crossings in Buffalo, and it would be very difficult to raise these bridges. One is the overhead crossing of the Pittsburg, Shawmut and Northern railroad at Swains, and the track is being lowered at that point to give proper clearance. Another is the overhead crossing of the

Delaware, Lackawanna and Western railroad at East Buffalo: this will also be very difficult to change. On the Niagara Falls branch there are 7 such obstructions of either railroad or street bridges in Buffalo and Niagara Falls, very difficult to change. There are no timber trestles remaining in the track of the main line. There is one on the Niagara Falls branch consisting of 24 spans, and another of two spans; they are of standard construction and in good condition. On the Buffalo and Southwestern branch there are many such structures, all low and generally short ones; all in good condition. There yet remains 1 open culvert on the Buffalo division with timber abutments: this is to be eliminated in the present changes being made in grading and alignment; all others have stone masonry and I-beam stringers, standard ties and guard timbers in good condition. On the Buffalo and Southwestern branch there are 8 structures of this kind entirely of wood, 8 with stone abutments and timber stringers, and 8 with stone abutments and I-beams; all are properly maintained. The arch, box, and pipe culverts are apparently in good condition.

The cross-ties of the main line and Niagara Falls branch are 7 x 9 in., 8 ft. 6 in. in length; of the other lines 6 x 8 in., 8 ft. in length; and they are laid at the rate of 2816 to the mile of track. They are about 82 per cent yellow pine, 14 per cent oak, and the remainder mixed cedar, hemlock, and tamarack; they are in very good condition, necessary renewals having been made, and are well spaced and full spiked. Tie-plates are used on all except very light curves. 75.63 miles of the main-line track are laid with 90-lb. and the remainder, 148.48 miles, with 80-lb. steel rail; the 90-lb. rails are partly connected by angle plates 24 in. in length with 4 bolts; a few 30-in. angle plates with 6 bolts are used. The 80-lb. rails are mainly connected by angle plates 30 in. in length with 6 bolts; a few 24-in. angle plates with 4 bolts are used. The 80-lb. rail is considerably worn and renewals are being made; the 90-lb. rail is in good condition; all the connections are full bolted and bolts tight. The Niagara Falls branch has 28.66 miles of track laid with 80-lb., 1.18 miles with 74-lb., 0.54 mile with 70-lb., and 0.03 mile with 63-lb. steel rail; the 80-lb. rails are connected by angle plates 30 in. in length with 6 bolts; the other rail by angle plates 40 in. in length with 4 bolts; the rail is in very good condition throughout and all bolts tight. The International and Black Rock branches are laid with 74-lb. steel rail, connected by angle plates 40 in. in length with 6 bolts; the rail is somewhat worn but in fair condition for the purpose for which the lines are used, almost entirely for freight. 12.83 miles of the Buffalo and Southwestern branch tracks are laid with 90-lb., 13.56 miles with 80-lb., and the remainder, 29.79 miles, with 74-lb. steel rail; the 90-lb. rails are connected, partially by angle plates 30 in. in length with 6 bolts, and the remainder by angle plates 24 in. in length with 4 bolts; the 80-lb. rails by angle plates 24 in. in length with 4 bolts, and the 74-lb. rails by angle plates 40 in. in length with 6 bolts; the 74-lb. rail is somewhat worn and some renewals are needed; the remaining portions of the rail are in good condition; all connections are full bolted and bolts tight. All main-track switches are split point and have rigid stands with proper targets. Many high targets are used and most facing switches are protected. Switch and semaphore lamps show red light for danger and green for safety; yellow is used for caution. The main-track frogs are spring rail and in good condition. Derailing switches are in all sidings where their use appears necessary, and some were observed where targets were lacking.

The main line is ballasted with gravel, cinders, and slag in good quantity; the Niagara Falls branch with gravel and slag; the International and Black Rock branches with gravel and cinders in from fair to good quantity; and the Buffalo and Southwestern branch with gravel, cinders, and slag in good quantity. The alignment and surfacing of the main line are first class except where the changes in alignment and grade are in progress; of the Niagara Falls branch first class; of the International and Black Rock branches and the Buffalo and Southwestern branch good. The outer rail on curves is properly elevated.

The track sections of the main line are about 5 miles in length and the average force employed on each consists of a foreman and 9 laborers in summer and 6 in winter; of the Niagara Falls branch 5 miles in length of the double track and six miles of the single track, and the force the same as on the main line; the International and Black Rock branches have a section force similar to that on the main line; the sections of the Buffalo and Southwestern branch are about 6 miles in length and a foreman and 9 laborers are employed on each during the summer, and a foreman and 6 laborers during the winter. Each section gang is furnished with flags, lanterns, and torpedoes for protecting its work, and all portions of the road are patrolled daily.

The main line is crossed in Buffalo by 4 main tracks of the New York Central and Hudson River railroad: the crossing is protected by a modern and complete interlocking plant. Near Hamburg street, Buffalo, by 2 compromise tracks connecting the Lake Shore and Michigan Southern railway with the New York Central and Hudson River railroad: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop; this is a bad crossing and should be protected by a proper interlocking plant. At East Buffalo, 1 track of the Chautauqua branch and 1 of the main line of the Western New York and Pennsylvania railway, also 1 track of the Buffalo Creek railroad, are crossed: all the crossings are protected by signals located on a tower; this is a bad crossing, specially referred to in the report on the Buffalo Creek inspection for this year, and should be protected by an interlocking plant. Also at East Buffalo, 1 track of the Erie railroad that leads to a stock yard: this crossing is protected by semaphore signals that are interlocked, and trains are required to come to a full stop. At Cheektowaga, 1 track of the electric railroad operated by the International Railway Company: there are derails in the track of the electric road, but the copper trough over the trolley wire is too short and should be lengthened. At Lancaster, another track of the electric railroad operated by the International Railway Company is crossed: there are derailing switches in the track of the electric road and proper protection over the trolley wire. The Niagara Falls branch crosses at Suspension Bridge 1 track of the Lewiston branch of the New York Central and Hudson River railroad, 1 track connecting the Michigan Central railroad with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson river railroad, also 2 tracks of the Niagara Falls branch of the New York Central and Hudson River railroad: these crossings are all protected by a modern and complete interlocking plant. At North Tonawanda, by 2 tracks of the Lockport branch of the New York Central and Hudson River railroad: protected by a proper interlocking plant. South of Tonawanda, 1 track of the Canandaigua branch of the New York Central and Hudson River railroad, and near the same point a switching track owned by the same company: the crossings are protected by an interlocking plant. At North Tonawanda, a switching track of the New York Central and Hudson River railroad: protected by a tilting board signal, and all trains are required to come to a full stop. Tracks of the International railway (electric) are crossed as follows: 2 tracks on Walden avenue, Buffalo: there are no derails in the track of the electric road but a proper protection over the trolley wire; 2 tracks on Genesee street, Buffalo: there are derailing switches in the track of the electric road and proper protection over the trolley wire; 2 tracks on East Ferry street, Buffalo: there are derailing switches in the track of the electric road and proper protection over the trolley wire; 2 tracks on Kensington avenue, Buffalo: there are derailing switches in the track of the electric road and proper protection over the trolley wire; 2 tracks on Main street, Buffalo: there are no derails in the track of the electric road, but a proper protection over the trolley wire; 1 track on Goundry street, North Tonawanda: there are derails in the track of the electric road and proper protection over the trolley wire; 1 track on Sugar street, Echota: there are no derailing switches in the track of the electric road nor protection over the trolley wire; 1 track on Ontario avenue, Niagara Falls: there are no derailing switches in the track of the electric road, but proper protection over the trolley wire. The International branch crosses 2 tracks of the Niagara Falls branch of the New York Central and

Hudson River railroad and 2 tracks connecting that branch with the New York Central Belt line, at North Buffalo: the crossing is protected by a proper interlocking plant; 2 tracks of the International railway on Military road, North Buffalo, protected by an interlocking plant. The Black Rock branch crosses at Black Rock 2 freight tracks of the Delaware, Lackawanna and Western railroad: there is only yard movement here, and the trainmen protect; 2 tracks of the International railway on Hertel avenue and 2 on Tonawanda street, North Buffalo: there are no derailing switches in the track of the electric road, but proper protection over the trolley wire. The Buffalo and Southwestern branch crosses 1 track of the New York, Chicago and St. Louis railroad and 1 of the Western New York and Pennsylvania railway at Blasdell: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. Interlocking plants governing the movements of trains are located at Chicago street, Seneca street, William street, and International Junction, Buffalo; at Portage; and at Canaseraga.

The right of way is free from trees, brush, and rubbish, and generally fenced with wire; the fences are only maintained opposite grazing land, and where maintained are generally in fair condition. The highway crossings are properly graded, well planked, and are protected by signs of the diamond or X form. Cattle-guards are not maintained. On the main line there are 13 crossings protected by flagmen, 4 by flagmen and gates, 8 by electric bells, and 89 by crossing-signs; on the Niagara Falls branch, 19 by flagmen, 2 by flagmen and gates, 5 by electric bells, and 18 by crossing-signs; on the International and Black Rock branches, 4 by flagmen and 5 by crossing-signs; on the Buffalo and Southwestern branch, 1 by flagman, 3 by electric bells, and 64 by crossing-signs.

The movements of trains are governed by the manual block system, positive for passenger trains.

The station buildings are in the same general condition as those on the New York and Delaware divisions, and the same remarks apply.

Since the last inspection about 7 per cent of all cross-ties have been renewed; 12.18 miles of new 90-lb. rail have been laid, replacing 80-lb. rail; and 5 miles of 80-lb. rail, replacing 74-lb. rail; 1 mile of track has been re-ballasted with copper slag, and repairs made to ballasting elsewhere; curves and grades are being reduced between Hornell and Hunt's, and this work is well under way; 1 iron bridge on the Buffalo and Southwestern branch has been rebuilt; 7 open culverts and cattle-passes have been rebuilt; necessary repairs have been made to the masonry of bridge, trestle, and culvert floors; a new station has been built at Collins; 15 station buildings have been repaired and 1 re-painted; 19 iron bridges have been re-painted; about 9 miles of new woven wire fence have been erected and 5 miles repaired; there have been about 3.6 miles of new track added to the yard at Bailey avenue, Buffalo, and smaller additions made to various other yards; the Bailey avenue and the William street grade crossings at Buffalo have been eliminated and made undercrossings; other minor improvements have been made, including repairs to freight houses, stations, etc.

Recommendations: That necessary renewal be made to the 80-lb. rail of the main line and the 74-lb. rail of the Buffalo and Southwestern branch; that targets be put on the stands of derailing switches where now lacking; that the grade crossing of the compromise tracks connecting the New York Central and Hudson River railroad and the Lake Shore and Michigan Southern railway, near Hamburg street, Buffalo, be protected by a proper interlocking plant; also that the grade crossings at East Buffalo of the two tracks of the Western New York and Pennsylvania railway and the track of the Buffalo Creek railroad be protected by a proper interlocking plant.

Rochester Division.

The main line of the Rochester division extends from a connection with the main line of the Susquehanna division at Painted Post to Rochester, 92.78 miles main track and 30.03 miles sidings and yard tracks. The Conesus Lake branch connects with the main line Rochester division at Conesus Lake Junction and extends to Lakeville, 1.61 miles track and 0.46 mile sidings.

The Attica branch connects with the main line of the Rochester division at Avon and extends to Attica on the main line of the Buffalo division, 34.55 miles main track and 7.97 miles sidings and yard tracks. The Mount Morris branch connects with the main line Rochester division at Avon and extends to Mount Morris, 15.33 miles main track and 2.7 miles sidings and yard tracks. The main line of the Rochester division from Rochester to Avon, and the entire Mount Morris branch, are equipped for electric operation by the overhead trolley system.

The general alignment of the main line is very good and the curves light; the grades are also generally light, but for a distance of 6 miles near Livonia there is a continuous grade of 46 ft. per mile. The Conesus Lake branch is practically straight, with the exception of a curve at the junction with the main line; the grade is very steep for a short distance near the junction with the main line, 121.4 ft. per mile. The Attica branch has very fair alignment; the grades are considerably broken but generally light. The Mount Morris branch has good alignment, with grades light and fairly regular. The roadway is very well graded and the drainage system good. Subdrains have been used in wet cuts, with good results.

The steel and iron bridges are generally in good condition and fairly well painted. A number of them are light for the class of power used, especially Nos. 28 and 30 of the main line and No. 4 of the Attica branch. Nos. 2, 3, 7, and 11½ of the main line are also rather light and need replacing. No. 5, over the New York Central main line near Batavia, is also very light, but was being replaced when the inspection was made. The masonry is generally fair and repairs are being made as necessary. One bridge on the Attica branch, west of Avon, has bents for abutments; they are substantial. The ties and guard timbers are of standard dimensions and are properly maintained; inside guard-rails are in place on the longer spans. The only wooden bridges maintained are for overhead highway or farm crossings; they are apparently in good condition and all less than 21 feet above the track are protected by warning signals; there are very few such overhead obstructions, and only a special survey in each case would determine as to the feasibility of raising them to make proper clearance. There are 9 timber trestles remaining in the main line, 7 in the Attica branch, and 1 in the Mount Morris branch; all are of standard construction with either pile or framed bents and have standard ties and guard timbers; one just west of Avon on the Attica branch has very poor ties and guard timbers; and the only one on the Mount Morris branch is old and generally in poor condition, and should be rebuilt or replaced promptly. Of the open culverts and cattle-passes in the main line, one is entirely of wood, 4 with wooden abutments and I-beam stringers, 7 with stone abutments and timber stringers, and 3 with stone abutments and I-beam stringers; all have standard ties and guard timbers and are in good condition, except that No. 394 has poor masonry which should be rebuilt. On the Attica branch there are 3 built entirely of wood, 9 with wooden abutments and I-beam stringers, 2 with stone abutments and timber stringers, and 2 with stone, and I-beam stringers; they are built the same as those on the main line and are in good condition, except that one just east of LeRoy has bad masonry and the stringers are supported on bents. On the Mount Morris branch there are 3 such structures: one south of Geneseo has timber abutments and girders; the abutments are in poor condition and should be rebuilt or replaced promptly; another smaller one, south of Geneseo, has poor masonry, and iron pipe is now on the ground which is to be put in at once and the remainder of the opening filled; the other remaining one is in good condition. The arch, box, and pipe culverts are in from fair to good condition.

The standard dimensions of cross-ties are 6 x 8 in., 8 ft. in length; the former standard was 7 x 9 in., 8 ft. 6 in. in length, and the larger proportion of those in track are of those dimensions. They are laid at the rate of 2816 to the mile of track. About 79 per cent are yellow pine, 16 per cent oak, and 5 per cent chestnut; they are well spaced and full spiked and generally in good condition, necessary renewals for the season having been made. Tie-plates are used on all except very light curves. The main line has 34.83

miles laid with 80-lb. and the remainder, 57.95 miles, with 74-lb. rail; the 80-lb. rails are connected partially by Weber joints 24 in. in length with 4 bolts, and partially by angle plates 30 in. in length with 6 bolts; the 74-lb. rails are connected by angle plates 40 in. in length with 6 bolts; a portion of the 74-lb. rail is considerably worn, and extensive renewals are being made; some loose bolts were also observed in the connections of the 74-lb. rail; the 80-lb. rail is in good condition. The Conesus Lake branch is laid entirely with 63-lb. steel rail connected by angle plates 24-in. in length with 4 bolts; the rail is somewhat worn but is in fair condition for the light traffic and slow speed maintained. 24.19 miles of the Attica branch are laid with 80-lb. and the remainder, 10.36 miles, with 74-lb. steel rail; the 80-lb. rails are connected by angle plates 30 in. in length and the 74-lb. rails by angle plates 40 in. in length, all connections having 6 bolts; the 80-lb. rail is in good condition; the 74-lb. rail is somewhat worn but is still in fair condition, and some renewals are being made. The Mount Morris branch is laid entirely with 80-lb. rail connected by Weber joints 24 in. in length with 4 bolts; the rail is in good condition, all connections full bolted and bolts tight. All main-track switches are split point, mainly with automatic stands. High targets are used at outlying and obscure switches. On the electrified portions of the road all main-track switches are electrically locked or protected by distant signals that are interlocked with the switch stands. Switch and sempahore lamps show red light for danger and green for safety; yellow is used for caution. The main-track frogs are nearly all spring rail and are well maintained. Derailing switches are in all sidings connecting with the main track where their use appears necessary; on some of the stands, targets are lacking.

The main line is ballasted with gravel and cinders in from fair to good quantity; the Conesus Lake branch is lightly ballasted with gravel and cinders; the Attica branch with gravel and cinders generally in fair quantity; the Mount Morris branch with gravel and cinders in good quantity. The alignment and surfacing of the track are very good and the outer rail on curves properly elevated. The track sections of the main line and the Attica branch are about 5½ miles in length; the Conesus Lake branch is a portion of a main line section; on each section of the main line and Attica branch a force consisting of a foreman and 5 laborers is employed; on the Mount Morris branch a foreman and 4 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the track are patrolled daily.

The main line crosses at Painted Post 1 track of the Corning and Painted Post Street railway (electric): there are derailing switches in the track of the electric road and proper protection over the trolley wire. At Erwin's, 2 tracks of the Delaware, Lackawanna and Western railroad: protected by a complete interlocking plant. At Golah, 1 track of the Canandaigua branch of the New York Central and Hudson River railroad: protected by a tilting board signal, and all trains are required to come to a full stop. At Mortimer, 2 tracks of the West Shore railroad: protected by gates, and all trains are required to come to a full stop. The Attica branch crosses west of Caledonia 1 track of the Genesee and Wyoming railroad: protected by signals that are interlocked, and all trains are required to come to a full stop. East of LeRoy, 1 track of the Buffalo, Rochester and Pittsburgh railway: protected by a tilting board signal, and all trains are required to come to a full stop. West of LeRoy, 1 track of the Canandaigua branch of the New York Central and Hudson River railroad: protected by a tilting board signal, and all trains are required to come to a full stop. At Batavia, 2 freight sidings of the New York Central and Hudson River railroad cross near the station: these sidings are little used, and when they are the trainmen are required to protect. At Batavia, 4 main tracks and 2 sidings of the New York Central and Hudson River railroad: protected by a modern and complete interlocking plant. West of Batavia, 1 track of the Attica branch of the New York Central and Hudson River railroad: protected by a tilting board signal, and all trains are required to come to a full stop. The Mount Morris branch crosses near Mount Morris 2 tracks of the Delaware, Lackawanna and Western railroad: protected by a modern and complete interlocking plant.

The movements of trains on the main line between Painted Post and Avon are governed by the telegraphic train order system; between Avon and Rochester, and on the Mount Morris branch, by the manual block system; on the Attica branch and the Conesus Lake branch by the telegraphic train order system.

Interlocking plants are maintained on the main line at the grade crossing of the Delaware, Lackawanna and Western railroad at Erwin's; at Rochester, governing the east end of the yard; on the Attica branch at the grade crossing of the Genesee and Wyoming railroad and the crossing of the New York Central and Hudson River railroad at Batavia; on the Mount Morris branch at Avon, governing the east end of the yard; and at Mount Morris, protecting the grade crossing of the Delaware, Lackawanna and Western railroad.

The right of way is free from trees, brush, and rubbish, and is fenced with wire, much of which is out of repair. The highway crossings are properly graded, well planked, and protected by signs of the diamond or X form. Cattle-guards are not maintained. On the Rochester division there are 3 crossings protected by flagmen, 1 by flagman and gates, 4 by electric bells, and 87 by crossing-signs; on the Conesus Lake branch, 2 by crossing-signs; on the Attica branch, 2 by flagmen, 1 by flagman and gates, 1 by electric bells, and 37 by crossing-signs; on the Mount Morris branch, 1 by flagman and 16 by crossing-signs.

The station buildings are in the same general condition as those on the other divisions and the same remarks apply.

Since the last inspection about 12 per cent of the cross-ties have been renewed; 6 miles of re-layer 80-lb. rail have been put in the main line track, replacing worn 74-lb. rail, and more 80-lb. rail is now being laid; 7.54 miles of the main line track have been re-ballasted with gravel. 1 timber structure of the main line has been replaced with a steel bridge; 4 open culverts and cattle-passes of the main line and 7 of the Attica branch have been replaced with concrete box culverts and filling; 4 main line bridges have been re-painted; 12 miles of new woven wire fence have been built on the main line and 12 miles repaired; 3 miles built on the Attica branch and 5 miles repaired, and 8 miles repaired on the Mount Morris branch; necessary repairs have been made to station and other buildings.

Recommendations: That bridges Nos. 28 and 30 of the main line be replaced promptly, and that Nos. 2, 3, 7, and 11½ of the main line and No. 4 of the Attica branch be replaced before any heavier power is permitted to operate over them; that the ties and guard timbers be renewed promptly on timber trestle on the Attica branch just west of Avon, and that the pile trestle on the Mount Morris branch be rebuilt or replaced; that the masonry to open culvert No. 394 of the main line be rebuilt, and the timber abutments to one on the Mount Morris branch south of Geneseo be either rebuilt or replaced promptly; that additional renewal be made to 74-lb. rail on the main line, and the loose track bolts tightened; that targets be put on the stands of derailing switches where now lacking; that the fences be put in proper repair.

Allegheny and Bradford Divisions.

The Allegheny division extends from the west end of Hornell yard to Dunkirk, a distance of 128.02 miles, and has 20.35 miles of second main track; the second track is located as follows: from Hornell to between Alfred and Almond, from Hinsdale to Olean, and from east end of Carrollton to Salamanca; and there are approximately 59.35 miles of sidings and yard tracks. The portion of the Bradford division (operated as a part of the Allegheny division) in this State extends from a connection with the Allegheny division at Carrollton to the Pennsylvania-State line about 2 miles west of Limestone, a distance of 8.06 miles, and has 5.19 miles of sidings and yard tracks. The general alignment of the Allegheny division is very good and most curves are light, the maximum is 5 degrees, east of Persia; the road crosses several summits and the grades are long and somewhat broken, the maximum is 52 ft. per mile for a distance of about 12 miles, between Hornell and Tip Top. The Bradford division has very light curves,

the maximum being 3 degrees at Irving Mills; the grades are also light, with maximum of 33 ft. per mile, near Limestone. The cuts and embankments are of full width and proper slopes and the roadway is well drained. Subdrains are used quite extensively in wet cuts.

The steel and iron bridges of the Allegheny division are in first-class condition. The one over the Allegheny river, on the Bradford division, is light for the class of motive power used, and strong pile bents have beeen placed under the second panel point from each end of the bridge, making the bridge secure so long as the bents remain. The masonry is generally good and the paint fair. The ties and guard timbers are of standard dimensions and well maintained. Inside guard-rails are on all except short spans. There are no wooden bridges remaining in the roadway, and those for overhead highway and farm crossings are properly maintained. No. 1 is an overhead highway bridge at Cuba, with clearance of 19 ft. 6 in.; it is a wooden structure and can be raised without serious expense. No. 2 is the Buffalo, Rochester and Pittsburgh overhead highway bridge at Carrollton, with clearance of 20 ft. 5 in.; it would be a difficult matter to raise this bridge, and in addition it is already of sufficient height to clear a tall man on the highest box cars now running. No. 3 is an overhead highway bridge east of Smith's Mills, with clearance of 20 ft.; it is a wooden bridge and can be raised without serious expense. No. 4 is an overhead highway bridge west of Forestville, with clearance of 17 ft. 3 in.; it is a wooden structure and can be raised without very much expense; this should be raised, as it is very low. No. 5 is also an overhead bridge west of Forestville, with clearance of 19 ft. 4 in.; this is also a wooden structure and can be raised without very great expense. No. 6 is an overhead farm bridge west of Sheridan, with a clearance of about 20 ft.; this is a wooden structure and can be raised without very much expense. There are no overhead obstructions on the Bradford division, and the low ones on the Allegheny division are protected by warning signals. There are no timber trestles in the roadway of the Allegheny division; on the Bradford division there are 9 remaining with pile or framed bents; most of them are short ones of 2 to 3 spans each; one has 10 spans, another 21, and the longer one 74 spans; all are of standard construction and in good condition. There are 2 open culverts and cattle-passes remaining in the Allegheny division with wooden abutments and I-beam stringers; all the remaining ones, 15 in number, have abutments of stone with I-beam stringers; all are in good, safe condition, and have standard ties and guard timbers in good repair. The only structure of this sort in the roadway of the Bradford division is a small open culvert entirely of wood and in good condition. The arch, box, and pipe culverts are generally in good condition; there is an arch over a highway at Cuba, consisting of 2 spans, that needs attention: the arches were made too short and the parapet projected in order to make room for track and filling; this parapet is failing, and timbers have been placed under the coping and held there by wooden props; this is a poor arrangement; the arches should be either extended or the entire top be reconstructed and made secure.

The dimensions of cross-ties in track of the Allegheny division east of Salamanca are 7 x 9 in., 8 ft. 6 in. in length, and from Salamanca to Dunkirk 6 x 8 in., 8 ft. in length; in the Bradford division track 7 x 9 in., 8 ft. 6 in. in length, and they are laid in all the tracks at the rate of approximately 2816 to the mile of track. In the Allegheny division track they are about 50 per cent yellow pine, 25 per cent oak, and 25 per cent chestnut; in the Bradford division track 81 per cent yellow pine, 17 per cent oak, and 2 per cent chestnut; they are in very good condition, well spaced and full spiked. Tie-plates are used on all but very light curves. In the Allegheny division track there are 100.55 miles laid with 90-lb., 20.22 miles with 80-lb., 8.40 miles with 74-lb., and 19.20 miles with 63-lb. steel rail. The Bradford division track is laid entirely with 80-lb. steel rail. The 90-lb. rails are connected partially by angle plates 24 in. in length with 4 bolts, and the remainder, as well as the 80-lb. rail, by angle plates 30 in. in length with 6 bolts; the 74-lb. rails by angle plates 40 in. in length with 6 bolts, and the 63-lb. rails by angle plates 25 in. in length with 4 bolts. The 63-, 74-, and 80-lb rails of the Allegheny division are considerably worn and some renew-

als are needed; the 90-lb. rail is in good condition, much of it new; the 80-lb. rail in the Bradford division track is in fair condition. All the connections are full bolted. Some loose bolts were observed in the worn 63-, 74-, and 80-lb. rail. The main-track switches are split point; both automatic and rigid stands are used. Outlying and obscure switches are either protected by interlocking or have high targets. Switch and semaphore lamps show red light for danger and green for safety; yellow is used for caution. The main-track frogs are spring rail and in proper condition. Derailing switches are in all sidings where their use appears necessary. A few were observed lacking targets. Some are connected by interlocking with the main-track switch stands.

The track is ballasted with gravel, slag, and cinders in from fair to good quantity. The alignment and surfacing of tracks are good, and the outer rail on curves properly elevated. The average length of sections of the Allegheny division between Hornell and Salamanca is 5 miles, between Salamanca and Dunkirk 6½ miles, and the average force employed on each consists of a foreman and 7 laborers. The sections of the Bradford division average about 5½ miles in length and the force employed on each section consists of a foreman and 3 laborers. Each gang is furnished with flags, lanterns, and torpedoes. Regular track-walkers are not employed, but all portions of the road are patrolled daily by some member of the section force.

At Olean, 2 tracks of the Buffalo division of the Pennsylvania railroad are crossed: the crossing is protected by a modern interlocking plant. West of Olean, 1 track of the Western New York and Pennsylvania Traction Company: there are derailing switches in the track of the electric road and a proper protection over the trolley wire. At Dunkirk, 1 track of the Chautauqua division of the Pennsylvania railroad, and 1 track of the New York, Chicago and St. Louis railroad, side by side: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. At Dunkirk, a switching track of the Dunkirk, Allegheny Valley and Pittsburgh railroad: the crossing is protected by semaphore signals; there are only yard movements at this place and the trainmen operate the signals. At Dunkirk, a track of the Allegheny division leading to a freight house crosses the tracks of the Lake Shore and Michigan Southern railway: this crossing is protected by a modern and complete interlocking plant. On the Bradford division, at Riverside, 1 track of the Salamanca branch of the Pennsylvania railroad is crossed: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. Interlocking plants governing the movements of trains at entrance to yards, junctions, etc., are located as follows: Almond, Tip Top, Wellsville, Hinsdale 2 plants, Olean 2 plants, Carrollton 2 plants.

The right of way is clear and clean excepting there is some small brush on the Allegheny division west of Salamanca; considerable of this has been recently removed, and men are engaged cutting and removing the balance. The fences are of wire and board, considerably out of repair. The highway crossings are well graded, planking in good condition, and are protected by signs of the diamond and X form, suitably located and properly maintained. There are no cattle-guards. Six highway grade crossings of the Allegheny division are protected by flagmen, 1 by flagman and gates, 2 by electric bells, and the remaining 121 by crossing-signs. The 5 grade crossings of highways of the Bradford division are protected by crossing-signs only.

The manual operated telegraphic system of blocking is used, with bell code and telephone communication, between Hornell and Salamanca; between Salamanca and Dunkirk, and on the Bradford division, the telegraphic train order system is used.

The stations are in the same general condition as those on the other divisions and the same remarks apply.

The repairs and improvements noted as made since the last inspection are as follows: About 7 per cent of the cross-ties of the Allegheny division and 9 per cent of those on the Bradford division have been renewed; 2.65 miles of 90-lb. rail have been laid in main track between Hornell and Salamanca, replacing worn 90- and 80-lb. rail; and 0.45 mile of 74-lb. rail between Sala-

manca and Dunkirk, replacing worn rail; about 2 miles of the Allegheny division track have been re-ballasted with gravel and 10 miles with cinders; 1 iron bridge of the Allegheny division has been replaced with a new bridge; repairs have been made to 1 trestle of the Bradford division; 3 open culverts of the Allegheny division have been replaced with castiron pipe and filling; 1 arch culvert of the Allegheny division has been extensively repaired; extensive renewal of bridge ties and guard timbers made on a number of structures of both divisions; a number of the station buildings have been quite extensively repaired and several re-painted; 14 bridges of the Allegheny division and 1 of the Bradford division have been re-painted; some extensions have been made to yard tracks at various points; 5.16 miles of new woven wire fence have been erected on the Allegheny division, and 4.84 miles extensively repaired.

Recommendations: That the arch culverts over the highway at Cuba receive proper attention; that the worn 63-lb., 74-lb., and 80-lb. rails of the Allegheny division be renewed wherever necessary; that targets be put on the stands of derailing switches where now lacking; that the remaining brush on the right of way of the Allegheny division be cut and removed, and the fences be put in proper repair.

Meadville Division.

The portion of the Meadville division in the State of New York extends from a connection with the Allegheny division at Salamanca to the Pennsylvania-State line west of Niobe, a distance of 48.02 miles, and has 26 miles of second main track and 27.17 miles of sidings and yard tracks. The general alignment is very good and most curves are light; the maximum is 9 degrees, located at Jamestown. The grades are generally light and regular, having been considerably reduced on portions of the line west of Jamestown by construction of a new line and changing grades on the old; the maximum is 47 ft. per mile for a distance of about 1300 feet, at Jamestown. The roadway is well graded and properly drained. Subdrains are extensively used in wet cuts.

The steel and iron bridges are in good condition, with proper masonry, and the bridges are well painted. The ties and guard timbers are of standard dimensions and in good repair. Inside guard-rails are maintained on all. There are no wooden bridges. All bridges for overhead highway and farm crossings are of iron. There are no overhead obstructions less than 21 ft. above the track. There are no timber trestles remaining in the main line. All open culverts and cattle-passes have good masonry, I-beam stringers, standard ties and guard timbers, well maintained. The arch, box, and pipe culverts are all in good condition.

The standard dimensions of cross-ties are 7 x 8 in., 8½ ft. in length, and they are laid at the rate of 2816 to the mile of track; about 96 per cent are oak, 2 per cent yellow pine, and 2 per cent cedar; they are well spaced, full spiked, and in good condition, necessary renewals having been made. Tie-plates are extensively used, and on curves are double spiked on the outer side. The entire main track is laid with 90-lb. steel rail; the rails are connected partially by angle plates 30 in. in length with 6 bolts and partially by angle plates 24 in. in length with 4 bolts. The rail is generally in good condition and renewals are being made as necessary. All main-track switches are split point and have rigid stands with well painted targets. High targets are used at obscure places, and there are many on straight line tracks. Switch lamps show red light for danger and green for safety; yellow is used for caution. The frogs are spring rail and well maintained. Derailing switches are in all sidings connecting with the main track upon which cars are left standing, where the grade descends toward the main track. All have proper targets, and in nearly all cases are connected by interlocking with the main track switch stands.

The track is ballasted with slag and gravel in very good quantity. The alignment and surfacing are first class and the outer rail on curves properly elevated. The track sections average about 4.4 miles in length and the force maintained on each consists of a foreman and 9 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the track are patrolled daily.

The grade crossings of railroads are as follows: 1 track of the Dunkirk, Allegheny Valley and Pittsburgh railroad at Falconer Junction, protected by a proper interlocking plant; 1 track of the Jamestown, Chautauqua and Lake Erie railway at Jamestown, protected by an interlocking plant; 1 track of the Jamestown Street railway (electric) crosses at grade on Main street, Jamestown: there is a derailing switch on the up-hill side of the railroad in the track of the electric road, but there is no protection over the trolley wire; another track of the same railroad crosses on Ashville avenue: there are no derailing switches in the track of the electric road; there is a protection over the trolley wire, but it is in bad condition and too short. Interlocking plants governing the movements of trains at passing tracks, yards, and cross-overs are located at the following points: Bucktooth, Red House, Waterboro, Falconer Junction, Jamestown, and Niobe.

The right of way is free from trees, brush, and rubbish, and is fenced with wire, generally in fair repair. The highway crossings are properly graded, well planked, and protected by signs of the diamond or X form, suitably located and well painted. No cattle-guards are maintained. Four of the grade crossings of the highways are protected by flagmen, 6 by flagmen and gates, 4 by electric bells, and the remaining 39 by crossing-signs.

The Mozier three-way signal system is used in blocking trains, positive for passenger trains.

The station buildings are in the same general condition as those on the other divisions and the same remarks apply.

The principal repairs and improvements noted as made since the last inspection are as follows: The new low grade line between Lakewood, N. Y., and Columbus, Penna., has been completed and put in operation; about 15 per cent of the cross-ties have been renewed; 4.25 miles of new 90-lb. rail have been laid, replacing worn 90-lb. rail; 23 miles of main track have been re-ballasted with granulated slag; bridge No. 32.36, a 62-ft. span, formerly a light iron bridge, has been replaced by a steel bridge; open culvert No. 30.69, 11-ft. span, has been replaced by a concrete solid floor; one abutment to bridge 32.36 has been rebuilt; a station building at Watts Flats has been removed from the old line to the new and put in proper repair; 4 iron bridges have been re-painted; 1 mile of new woven wire fence has been constructed and about 6 miles repaired; passing tracks have been put in at Niobe and Lakewood, a total length of about 16,500 feet.

Referring to the recommendations contained in report of last annual inspection: Very little has been done toward putting fences in proper condition, nor have any of the missing cattle-guards been supplied; it is questionable, however, if cattle-guards are really necessary, although required by law; the closets of the Eastern division have had their condition improved; the recommendation that bridge 30.97, over Miner's creek, on the New Jersey and New York railroad, be replaced, has not been complied with, but with trestle bents supporting it has been safely maintained; the necessary renewals to bridge ties and guard timbers recommended on the Delaware division, and the necessary renewals to cross-ties, guard timbers, bridge and trestle timbers on the Susquehanna division, have been made; also renewals have been made to guard timbers, open culverts, and cattle-passes of the Buffalo division; also to the timber abutments of bridge No. 12.39 of the Niagara Falls branch of the Buffalo division, and the masonry to cattle-pass south of Attica rebuilt; bridge No. 5 of the Rochester division, over the New York Central and Hudson River railroad near Batavia, has been rebuilt; nothing has as yet been done toward renewal of bridge No. 4 of the Attica branch at LeRoy, bridge No. 28 of the main line Rochester division near Rush, or No. 30 of the same line over the Genesee river at Rochester; necessary repairs have been made to the masonry of open culverts on the Allegheny division.

J. D. SHULTZ,
Steam Railroad Inspector.

FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD.

Inspected August 16, 1909. Last previous inspection September 17, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Fonda, Johnstown and Gloversville railroad and respectfully submit the following report:

The main line extends from Fonda, where it connects with the New York Central and Hudson River railroad, to Northville, a distance of 25.47 miles. The Broadalbin branch extends from a point on the main line between mile-posts 13 and 14 to Broadalbin, a distance of 6.15 miles; total yard and side tracks, 8 miles. The line is single track, standard gauge. Maximum grade in main track 2.34 per cent, 0.72 mile, 2.5 miles north of Fonda. Maximum curve in main track 12 degrees, at Fonda. On the remainder of the line the grades and curves are light. The cuts and embankments are of good cross-section and the surface drainage good. The steel and iron bridges are in good condition. There are no wooden truss bridges or timber trestles. The open culverts and cattle-passes are in good condition. The arch, box, and pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are generally cedar, 8 x 8 in., 8 ft. long, in good condition. Tie-plates used on sharper curves. The rail and fastenings are as follows: 6 miles, Fonda to Johnstown, 75-lb., 36 in., 6 bolt angles; 19.50 miles, Johnstown to Northville, 70-lb., 24 in., 4 bolt and 36 in., 6 bolt angles; 3 miles, Johnstown to Gloversville, 80-lb., 24 in., 4 bolt Weber joints. On the Broadalbin branch, 1 mile, 70-lb., 24 in., 4 bolt angles, and 5.51 miles 56-lb., 24 in., 4 bolt angles. The rail is in fair condition. All main-track switches are split point and the stands are provided with targets and lamps. Main-line frogs, spring rail; branch frogs, rigid. Derailing switches are used, apparently, where needed.

The lines are ballasted with gravel in good quantity. The alignment and surface are generally good, although the branch could be improved in these details. Average length of sections, 5.3 miles; average force, including foreman, 5 men. Flags, lanterns, and torpedoes are furnished each section for signalling trains to stop. Track walking performed by section men who work part of the time with their gang.

The electric lines of this system cross the steam road at Johnstown, North Perry street (Fair Grounds crossing), 1 track: no derails but flagman at crossing; and at Gloversville, South Main street, Main street, and Kingsboro avenue: each provided with derails, but no trolley protection.

The right of way is in good condition except that some fence renewals are needed on the branch.

There is no block system; trains are operated by time limit and train orders.

There are 50 highway grade crossings, each provided with crossing-signs; 6 are protected by flagmen without gates and 44 are unprotected.

The stations, etc., are in good condition.

Repairs and improvements noted are, rail, main line, 1 mile 80-lb., replacing 70-lb.; Broadalbin branch, ½ mile 70-lb. re-layer, replacing 56-lb. rail; cross-ties, 8 per cent renewed; 0.25 mile track re-ballasted; 1 tile-pipe culvert replaced by castiron; 1 mile new fence built, and 5 miles repaired.

The road is in good condition and is well maintained, therefore recommendations are not deemed necessary.

The recommendations of last year seem to have been carried out.

W. L. DERR,
Steam Railroad Inspector.

FULTON CHAIN RAILWAY.

Inspected September 8, 1909. Last previous inspection August 31, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Fulton Chain railway and respectfully submit the following report:

The line extends from Fulton Chain, where it connects with the New York Central and Hudson River railroad, to Old Forge, a distance of 2.29 miles single track; it has 0.26 mile sidings. It has considerable curvature and some short, heavy grades. The roadbed generally is in fair condition, but would be further improved by deeper ditching. There are no wooden bridges or timber trestles, nor open culverts or cattle-passes. There is 1 steel and iron bridge in fair condition with the exception of some of the track ties for the present weight of power used and speeds of trains. The arch, box, and pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are 6 x 8 in., 8 ft. long, laid 2640 to the mile; a somewhat greater tie renewal than has been made in the past should be made next season. The rail is 67 lbs. per yard; the fastenings are 6-bolt angle splices; generally speaking, the rail is in fair condition and well spiked and bolted. Main-track switches are split point; switch stands are of the automatic type and have targets and lamps; no derailing switches needed.

The track is ballasted with gravel and cinders. The alignment and surfacing are in fair condition. The maintenance of track is done by the forces of the Mohawk and Malone division, New York Central and Hudson River railroad, and the force appears to be sufficient. There are no grade crossings of railroads.

The line is wholly in wild lands and its right of way is unfenced; apparently fences are not needed. There are 6 highway grade crossings, each provided with a crossing-sign and having approaches fairly well graded Trains are operated on time limit and telegraphic train orders.

Old Forge station, the only station building, is frame and in fair condition.

The repairs and improvements have been such as to keep the line in fair condition for the slow speeds and light power used.

Recommendations: An increased tie renewal for the season of 1910; better drainage facilities.

The recommendations of last year seem to have been complied with.

W. L. DERR,
Steam Railroad Inspector.

GENESEE AND WYOMING RAILROAD.

Inspected December 20, 1909. Last previous inspection August 14, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Genesee and Wyoming railroad and respectfully submit the following report:

The Genesee and Wyoming railroad main line, single track, extends from Pittsburgh and Lehigh Junction, where it connects with the Lehigh Valley railroad and the Buffalo, Rochester and Pittsburgh railway, to Greigsville, where it connects with the Delaware, Lackawanna and Western railroad, a distance of 14.39 miles; and there is a single-track branch between Retsof on the main line and Retsof Junction, where it connects with the Pennsylvania railroad, a distance of 1.77 miles; it has 1.85 miles of yard and side tracks. The grades and curves of the main line are light; the branch has heavy curves and grades, the maximum curvature being 10 degrees and grade about 200 ft. to the mile. The cuts and embankments are of well developed section and the surface drainage is good. The steel and iron bridges are in good condition with the exception of a few track ties here and there, which will be replaced at once. There are no wooden bridges or timber trestles in the track; there is 1 wooden overhead highway bridge just south

of Retsof, in good condition and having a clearance of 21.3 ft. The open culverts and cattle-passes are in good condition. There are no arch structures; the box and pipe culverts are apparently in good condition and free of obstructions to the passage of water.

The cross-ties are 6 x 8 in., 8 ft. long, oak, laid 2816 to the mile, and in good condition. There are 1.75 miles of 61-lb. steel rail, fastened with 24 in., 4-bolt angles; the balance of the line is laid with 70-lb. rail, fastened with 36-in., 6-bolt angles; the rail is generally good with the exception of a small amount of somewhat worn 61-lb. rail on the branch; on this latter line however there is only a slow freight service, practically switching service. The switches are split point, operated by automatic switch stands provided with lamps and targets. Frogs are of the rigid type. Derailing switches are used at all points where it appears they are necessary.

The ballast is gravel, of good quantity and quality. The section force consists of a foreman and 14 men, and it is pleasurable to add that the work done by this force is of high grade nature. The line is patrolled daily by a regular track-walker.

At Genesee and Wyoming Junction, near the northern terminal, the line is crossed at grade by 1 track of the Attica branch of the Erie railroad and 1 track of the Canandaigua branch of the New York Central: these tracks are about 800 feet apart and are protected by an interlocking plant having 14 active and 2 spare levers.

The right of way is in good condition. The approaches to the highway crossings are well graded and the planking is in good condition; crossing-signs are provided and whistling-posts are properly located; none protected by flagmen, etc.

Telegraphic train orders and the time limit are used in handling train movements.

The stations are in good condition.

Repairs and improvements noted are: 2080 cross-ties put in since last inspection and a fair supply on hand for next season's renewals; 1 timber cattle-pass rebuilt; 1.5 miles of fence rebuilt and 5 miles repaired.

W. L. DERR,
Steam Railroad Inspector.

GLENFIELD AND WESTERN RAILROAD.

Inspected September 27, 1909. Last previous inspection July 16, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Glenfield and Western railroad and respectfully submit the following report:

The Glenfield and Western railroad is a single-track line, connecting with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad at Glenfield and extending to Monteola, a distance of 19.45 miles, and has approximately 1.75 miles of sidings and yard tracks. The road is used principally for carrying timber and lumber from the extensive tract of forest on the highlands of Lewis county belonging to the companies that built and operate the railroad, and very little freight except that belonging to the companies is carried, and very few passengers excepting employees of those companies. The road is extremely crooked and the grades steep and much broken. The maximum curves, of which there are several, are 16 degrees, and the maximum grade 269 feet per mile in various places, the longest being about 2½ miles. The road was constructed to conform as closely as possible to the natural surface of the ground and there are no extensive cuts or embankments. Some of the cuts are rather narrow and through material of a clay or quicksand nature where slopes have washed considerably, filling the ditches; the work of cleaning those ditches was in progress when the inspection was made. The embankments are generally rather narrow, and on the portion of the road constructed through swamps are made partially of logs and dirt covered over them.

There are 3 steel bridges, with concrete masonry and standard ties and guard timbers, all in good condition. The only wooden span bridges are for overhead highway and farm crossings, all in fair condition. There is but one overhead obstruction less than 21 feet above the track: that is an overhead highway bridge of about 16 feet clearance; it is protected by warning signals; this bridge could be raised without very much expense. There are a large number of timber trestles of from 2 to 4 spans of framed bents, and they are used for crossing small streams; they are of standard construction and made of hemlock or native hard wood timber; some of them are getting old and have been strengthened by putting in additional stringers and intermediate bents, and masonry is already constructed for replacing some of them with iron spans. This work is being well done. All these structures are in safe condition for the present, although several were noticed — and attention directed to them — where ties and guard timbers need replacing. Most of the open culverts and cattle-passes are constructed entirely of timber; a few have concrete or stone masonry abutments and all have timber stringers; on the newly constructed portion of the road in the forest the abutments are made of round timbers, and on these timbers hewn on top and bottom side are used for stringers; the stringers are of hemlock and native hard wood; all have standard ties excepting on the newly constructed portion, where common ties are used in some cases; all are in safe condition. There are no arch culverts; the stone box and pipe culverts are apparently in proper condition.

The cross-ties are 6 x 8 in., 8 ft. in length, and are laid at the rate of from 2464 to 2816 to the mile of track. On about half of the road, nearest Glenfield, the ties are practically all cedar; on the balance of the road mixed cedar, hemlock, and various kinds of native hard wood. They are in very fair condition, although about 10 per cent additional renewals will be needed. On the portion of the road from Gulf Head to Page the ties are rather irregularly spaced and very many of them small. Additional ties should be put in. All are full spiked, and on the sharper curves double spiked. The track is laid with mixed 60- and 65-lb. steel rail, connected by angle plates 24 in. in length with 4 bolts and 34 in. in length with 6 bolts. The rail, while somewhat worn, is in fair condition for the light traffic and the moderate speed. The connections are full bolted and practically all bolts tight. An inside guard-rail is maintained on some of the sharper curves. The switches on the portion of the line where passenger trains run are split point and have automatic stands; on the newer portion there are two stub switches, with rigid stands; all are in fair condition. Switch lamps are not used as night trains are not operated. The frogs are rigid and in fair condition. Derailing switches are in all sidings where their use appears necessary, and have proper targets.

The road is very lightly ballasted with gravel and sand. The alignment and surfacing have been considerably improved since the last inspection and are fair for the rate of speed maintained, which is about 12 miles per hour. The outer rail on curves is properly elevated. The track is maintained by a force consisting of 2 foremen and 14 laborers, and all portions of the road are patrolled daily.

The right of way through the settled portion of the country is clear and clean; in the forest, where the road runs for a considerable portion of its length, some small brush yet remains. The fences are of wire and are only maintained opposite grazing land; all such are in fair condition. The highway grade crossings are very well graded, planking in proper condition, and are protected by signs of the diamond form. A few open slat cattle-guards are maintained, but in most cases cattle-guards are lacking. There is but one train operated on the road, therefore a block system is unnecessary.

The station building of the New York Central and Hudson River railroad is used by this company at Glenfield. At Houseville there is a small combination frame station, but no agent is maintained, and practically no freight delivered there excepting coal and very little freight of any kind shipped; the business is attended to by the train conductor. At Page there is a small frame combination station, but no agent. Stops for passengers, when there are any, are made at two or three other points on the line.

Since the last inspection about 10 per cent of the cross-ties have been renewed; new concrete masonry has been put in for replacing timber trestles with iron stringers, and a force of men is now engaged building the masonry where others are to be replaced in like manner; light repairs have been made to timber trestles, and new ties and guard timbers put on several of them and on most of the open culverts and cattle-passes.

Recommendations: That necessary widening of cuts and embankments be done and ditches thoroughly cleaned; that the fourth opening from Page, which consists of 3 spans of wooden stringers on blocking, be rebuilt, as the blocking is settling irregularly and is liable to cause trouble; that new ties and guard timbers be put on the trestle and culvert structures to which attention was directed when inspection was made; that additional ties be put in where lacking and irregularly spaced between Gulf Head and Page, and that about 10 per cent of the cross-ties on the older portion of the road be renewed.

The recommendations contained in the report of last inspection have received attention.

J. D. SHULTZ,
Steam Railroad Inspector.

GREENWICH AND JOHNSONVILLE RAILWAY.

Inspected November 10, 1909. Last previous inspection October 30, 31, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Greenwich and Johnsonville railway and respectfully submit the following report:

The main line extends from Johnsonville, where it connects with the Boston and Maine railroad, to Northumberland, where it connects with the Schuylerville branch of the Boston and Maine, a distance of 21.15 miles, and has 4 miles sidings and yard tracks. The Salem branch extends from the main line at Greenwich to Salem Junction, where it connects with The Delaware and Hudson Company's railroad, a distance of 10.2 miles, with about 0.87 mile of sidings and yard tracks. The line is somewhat curved and with some short heavy grades: maximum curve in main track is about 16 degrees, near Easton; maximum grade in main track about 4 per cent for 50 ft. northbound, between Johnsonville and Leeds. The other heavier grades are one of about 3 per cent for 240 ft. northbound, approaching Vly Summit, and another of about 3 per cent for 200 ft. southbound, approaching Easton. The cuts are generally of fair width, and so are the embankments, except that some of the latter between Johnsonville and Greenwich are narrow. The surface drainage is fair, but the roadbed would be materially strengthened, especially between Johnsonville and Greenwich, if under-drainage were applied in the cuts.

The steel and iron bridges are generally in fair condition. Some of the I-beam bridges are apparently light, and this particularly refers to the second, sixth, and ninth south of Johnsonville, the second, third, and fourth from Leeds, the first south of West Cambridge, and the second and fourth south of Archdale. No wooden truss bridges in the tracks. There is a wooden bridge carrying a highway south of Greenwich; it clears the track 21 feet. There is 1 timber trestle at Greenwich about 240 ft. long, forming part of the bridge over the Battenkill; it is in fair condition. The open culverts and cattle-passes are in fair condition. The arch, box, and pipe culverts are in fair condition and free of obstructions to the passage of water.

The cross-ties are 6 x 8 in., 8 ft. long, laid 2860 per mile; they are fully spiked; of the ties in the track, 60 per cent are oak and 40 per cent chestnut, and all are in fair condition. The rail and fastenings are: between Johnsonville and Greenwich, 9.62 miles 60-lb., 0.4 mile 56-lb., 2.75 miles 70-lb., and 0.62 mile 67-lb.; between Greenwich and Northumberland, 7.07 miles 70-lb.; between Greenwich and Greenwich Junction, 10.20 miles 80-lb.; splices 24 and 30 in. long, with 4 to 6 bolts. The rail and fastenings are generally

in good condition. The main-track switches are split point and the stands are provided with targets and lamps. The frogs are rigid or stiff rail. A derail switch with target is placed in the siding at Summit station.

The ballast is gravel, of fair quantity and quality. The alignment and surfacing are fair, not as good on the main line as on the Salem branch; to improve the line and surface of the main line a much better system of drainage is needed. The sections of the main line average about 7 miles and of the Salem branch about 5 miles; the average force per section is a foreman and 6 men in summer and a foreman and 4 men in winter. Each section is patrolled daily by a member of its gang. Each gang is furnished with the necessary appliances for signalling trains to stop.

At Thomson the main line is crossed by 1 track of the Hudson Valley railway (electric), also by 2 tracks of a tramway belonging to the United Box Board and Paper Company; no derailing switches in either of these lines, but the crossing is protected by day by a flagman, and all trains are required by order to stop before crossing.

The right of way is in good condition. The highway crossings are in good condition as refers to grading and planking. On the main line there are 30 highway grade crossings, 1 of which is protected by a flagman and the other 29 are unprotected; each is provided with crossing-signs and whistling-posts.

Trains are moved under time limit and telephonic train orders.

The stations are in fair condition and seem to be of sufficient capacity to take care of the business.

About 12,000 cross-ties have been renewed since last inspection; 1 waterway replaced with concrete structure; 1 pier of Battenkill bridge, Greenwich, rebuilt; bridge over Hudson river, Thomson, re-painted; 2 miles of fence renewed.

The company advised that during 1910 there will be constructed at Greenwich a new freight and passenger terminal, new brick engine house, new turntable, coaling station, and water supply, and a rearrangement of the freight and passenger stations will be made.

Recommendations: That better drainage be provided; that the I-beam stringers referred to be checked for strains under the greatest load that can be brought upon them in handling the present cars and engines; and if found to be overstrained, additional members be put in.

Of the recommendations of last year, that referring to cattle-guards and cattle guard-fences has not been carried out.

W. L. DERR,
Inspector Steam Railroads.

ISLAND RAILROAD.

Inspected June 2, 1909. Last previous inspection September 8, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Island railroad and respectfully submit the following report:

The Island railroad consists of a series of switching tracks extending from a connection with the Buffalo Creek railroad near Ganson street, Buffalo, to the elevator and warehouse of the Mutual Elevator Company and the Mutual Transit Company, located on the Ship canal. The total length of track is 0.14 mile, and the sum of all tracks about 1½ miles. There are no bridges or other structures in the roadway. The tracks are laid with various weights of steel rail and are in fair condition for the purpose used: merely handling freight cars between the elevator and warehouse above referred to and the Buffalo Creek railroad.

J. D. SHULTZ,
Steam Railroad Inspector.

JAMESTOWN, CHAUTAUQUA AND LAKE ERIE RAILWAY.

Inspected November 6, 1909. Last previous inspection October 7, 1908.

To the Public Service Commission, Second District:

Gentlemen: I have inspected the Jamestown, Chautauqua and Lake Erie railway and respectfully submit the following report:

The Jamestown, Chautauqua and Lake Erie railway main line extends from Jamestown, where it connects with the Meadville division of the Erie railroad, to Westfield, where it connects with the Lake Shore and Michigan Southern railway, a distance of 33 miles; the Chautauqua branch extends from the Pennsylvania railroad junction, Chautauqua division Pennsylvania railroad, to Chautauqua, a distance of 2.68 miles. In order to reach the Chautauqua branch the Pennsylvania railroad tracks are used for a distance of about 1.20 miles. There is a total of 6 miles of yard and side tracks. The main line contains 64 curves, aggregating 17.27 miles in length, the maximum being 8 degrees, located at Warner's, and there are 13.98 miles of straight line. The grades are 36 ascending, with a total ascent of 346 ft. and aggregate length of 14.69 miles, and 26 descending, with a total descent of 366 feet and aggregate length of 16.56 miles. The maximum grade is 106 ft. per mile, 7 miles long. The Chautauqua branch contains 11 curves aggregating 1.25 miles in length, and has 1.43 miles straight line. This branch is, properly speaking, a siding, and will not in this report be further separately considered. The cuts and embankments are generally of sufficient width. The ditching is not good, although it appears to have been much improved over its former condition during the past season. For some distance west of Jamestown the roadbed is exposed at a number of places to action of the lake waters.

There is 1 steel bridge of 6 x 12 in. I-beams, about 20-ft. span, over The Chautauqua Traction Company's line (electric), near Westfield. There are no wooden truss bridges in the main track, but there is a wooden Howe truss in the freight tracks, Jamestown yard: this is an old structure and so fully trestled and blocked as to carry little or none of a load passing over it; so long as the blocking and trestle supports remain in good condition it should be able to carry the traffic; great care should be exercised in guarding it against fire. It would seem, however, that the cost of maintenance of such a structure would quite cover the investment cost of a new steel structure. There are 13 timber trestles, varying from 25 to 225 ft. in length, upon most of which considerable repairs have been made during the past season, but not enough to keep the structures to a proper standard; and this refers particularly to stringers and ties. The general condition of the open culverts and cattle-passes is fair, and it is apparent that they have been considerably improved during the past year. The arch, box, and pipe culverts are in fair shape and free from obstructions to the passage of water.

The cross-ties are oak and chestnut, 6 x 8 in., 8 ft. long, and while renewals have been made in fair quantity this season, the track shows plainly the effect of "cutting" in this direction in the past. Between Jamestown and Mayville the rail is 60 lbs. per yard, fastened with 24. in., 4-bolt angle splices; and between Mayville and Westfield 70 lbs. per yard, fastened with 34 in., 6-bolt angle splices; the rail is in fair condition and is fully spiked and bolted. The main-track switches are split point and the stands provided with targets and switch lamps. Rigid frogs are used. Derailing switches are in use where needed.

The ballast is gravel of fair quality but generally short in quantity; its condition could be much improved by drainage. The sections average 7 miles of main track. Each gang consists of a foreman and 6 men, and is furnished with appliances for signalling trains to stop. Track is patrolled daily by some member of respective gangs.

The grade crossings of railroads are as follows: at Jamestown, in freight yard, 3 tracks of the Erie railroad, 2 main and 1 siding, protected by interlocking; at P. R. R. Junction, 1 track of the Chautauqua division, Pennsylvania Railroad, interlocked; at Jamestown, 1 track of the street railway

(electric), without derailing swiches or trolley protection; the electric line is on a heavy down grade approaching the steam railroad track, going west; there is a siding belonging to the electric line which could be used as a derail for the better protection of downhill electric line movements.

The right of way is generally in fair condition; some fencing is needed. Along the lake front the residents generally object to fencing as interfering with free access to the lake. The highway grade crossings are generally well graded and planked, and are provided with whistling-posts; there is a total of 25, 1 of which is protected by a flagman and 24 are unprotected.

Trains are operated under the time limit system and by telegraphic train orders.

At Chautauqua there is a good station, and at other points the stations are probably sufficient for the business handled. In the region around Lake Chautauqua the heavier business is done in the summer, when indoor facilities are not so much needed.

The following repairs and improvements are noted: about 6000 new ties put in; various parts of the line re-ballasted with engine cinders; 1 timber trestle rebuilt and 6 repaired; 3 small new stations built and 1 station re-painted; several miles of fence repaired.

Recommendations: What this road needs more than anything else is a systematic overhauling of its bridges and improved drainage. The handling of either of these details by piecemeal, as it seems to have been done in the past, is poor economy, as is shown by the results attained. It would seem that in order to make its expenditures on these items go as far as possible a little is done at each of many places and nothing done thoroughly enough to give it permanent character. Much of the maintenance of way expenditure is in labor, not always backed up by sufficient material, in which event the labor is practically lost. At Jamestown there should be installed some derailing device for the better protection of the electric line cars when approaching the steam line going down hill.

W. L. DERR,
Inspector Steam Railroads.

KANONA AND PRATTSBURGH RAILWAY.

Inspected July 30, 1909. Last previous inspection August 13, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Kanona and Prattsburgh railway and respectfully submit the following report:

The line extends from Kanona, where it connects with the Rochester division of the Erie railroad, to Prattsburgh, 11.44 miles, and has about 0.75 mile of sidings. The alignment is generally fair, the curvature being light. The grades are light but somewhat broken. Cuts are of fair width, but some of the embankments are scarcely wide enough to keep the ballast well in place, and probably occasion an additional maintenance expense over what it would be with wider embankments.

The steel and iron bridges, 6 in number, appear strong enough to carry the power at present in use, at the present train speeds, but should be strengthened, especially the plate girders, if either is increased. The wooden bridges are stringers, generally 12 x 12 in., and should be renewed with not less than two 8 x 16 in. stringers under each rail as fast as renewals are necessary, or in the event of increasing the weight of power or the speed of trains. The open culverts and cattle-passes seem to be in fair condition. The section force consists of 2 gangs, a foreman and 6 men each, a total of 14; the gangs seem to be provided with the necessary appliances for stopping trains.

The cross-ties are 6 x 8 in., 8 ft. long, laid 2640 per mile. The track is ballasted with gravel, not always of full cross-section. At the time of this inspection a large amount of ballast was distributed along the main track, which when in place will materially improve the ballast situation. The track is laid with 60-lb. rail, fastened with 24 in. 4-bolt angle splices;

the rail is generally in fair condition. Split switches and stiff rail frogs, and switch stands with target signals. The alignment and surface are not good, but from the amount of ballast distributed along the track and the work now in progress it would seem that these details will be improved this season. There are no grade crossings of railroads or interlocking plants.

The right of way is in fair condition. Repairs to fences are needed at various points. The approaches to highway crossings are generally well graded and the planking in fair condition. Whistle-posts are provided.

The two stations where agencies are maintained are in fair condition; the balance are simply wayside stops.

Repairs and improvements consist of considerable tie renewals and re-ballasting of track.

Recommendations: That more attention be given to drainage, especially under-drainage; the poor line and surface of this road are largely due to lack of drainage; money spent in aligning and surfacing track that is poorly drained is for all practical purposes wasted, as the passage of a few trains over such track puts it back into the same condition in which it was before the surfacing was done; a larger renewal of ties should be made next season than has been made in the past, and it is suggested that in making tie renewals the joints be given the first attention at the beginning of the season; the switch stand targets generally should be painted. The grass and weeds in the main track and for about 3 feet outside of each rail should be removed; this when done will add much to the permanency of the line and surface of the track; vegetable growth in the tracks "heaves" the track both in line and surface; that the fences be repaired and renewed at various points.

The recommendations of last year relative to removal of grass and weeds from the tracks have not been carried out.

W. L. DERR,
Inspector Steam Railroads.

LAKE CHAMPLAIN AND MORIAH RAILROAD.

Inspected December 10, 1909. Last previous inspection November 19, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Lake Champlain and Moriah railroad and respectfully submit the following report:

This line commences at Port Henry, on Lake Champlain, where it connects with The Delaware and Hudson Company's railroad, and terminates at Mineville, a distance of 7.66 miles, and has 15.05 miles of yard and side tracks. It is single track and standard gauge, and contains a switchback. This switchback is a simple and economical means of overcoming the difference in elevation at the point where it is laid; it has an ascent at each end, thereby adding considerable to safety in operation. The business of the line consists largely of hauling iron ore from Mineville to Port Henry, and practically the whole loaded tonnage is down-hill movement; the movement down hill is practically by gravity, the speed being regulated by the air brakes, and in addition by hand brakes of the small cars known as "jimmies" when the latter are in a train. In operating these very heavy grades — maximum 4.25 per cent — perhaps the heaviest of any railroad in the State operated by steam adhesion engines, heavy curvature — maximum 14 degrees — and a switchback, there are rather exceptional conditions to deal with. It goes without saying that the real limit to the steepness of grades worked by adhesion engines is the limit of safety in descending. On this line that limit has been much increased by the introduction of high power brakes, exemplified in the brake of the new steel ore cars, the power of which may be varied as between loaded and empty cars. A striking feature of this line is the high efficiency obtained in the working of its motive power. Taking as an example one of its heaviest engines, working at 200 lbs. per square inch boiler pressure, running at a speed of 10 miles per hour, and having the following general dimensions: total weight in working order, 205,000 lbs.; total weight on

drivers in working order, 171,000 lbs.; weight on tender when loaded, 90,000 lbs.; size of cylinders, 22 x 28 in.; heating surface, 2300 sq. ft.; grate surface, 57 sq. ft.; diameter drivers, 51 in.; number of drivers, 8; length of driving-wheel base, 14 ft. 6 in.; and a train of 200 gross tons exclusive of engine and tender, we find that in going up the 4.25 per cent grade the engine gives a duty equivalent to 21.12 horsepower per square foot of grate surface, and 9.1 horsepower per ton of its total weight (engine and tender), which is apparently a high performance for so low a speed. For each ton of weight of the engine and tender about 2.52 tons of train are hauled.

The cuts and embankments are well developed, and the ditches apparently of sufficient depth. The steel bridges are 4 in number, of modern design and in good condition. There are no wood bridges. There is one overhead bridge, a reinforced concrete structure, with a clearance of 19 ft. above the top of the track rails; it is provided with warning guards. There are no timber trestles in the main line; at Port Henry there is a wooden trestle on ore dock used in connection with the transfer of ore from cars to boat; it is in fair condition. The open culverts and cattle-passes are in good condition. The arch, box, and pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are 7 x 9 in., 8½ ft. long, laid 2816 per mile; about 25 per cent are oak and 75 per cent yellow pine; in good condition. The rails in main tracks are 90 lbs. per yard, 33 ft. long, Bessemer and some Titanium, fastened with 6-bolt angles; all in good condition. In going down hill the wheels become black hot through brake pressure, and even during a single trip the wear of rail as well as wheels in enormous. Main-track switches are split point, with automatic switch stands having targets and lights. Rigid frogs are used, and derailing switches used where needed. All switch and frog work appears to be in good condition.

The track is well ballasted, generally with ore screenings from the mines at Mineville. The alignment and surface are good. Length of main line section about 7 miles; force, 5 men; Port Henry yard section, 6 men; Mineville yard section, 13 men.

There are no grade crossings of railroads or interlocking plants.

The right of way is in good condition and well fenced. There are 6 highway crossings, all of which have properly graded approaches and are well planked; they are provided with crossing-signs.

Trains are operated by train orders and time limit.

The repairs and improvements noted are: the switchback near Port Henry has been eliminated and a direct line substituted therefor; about 6 per cent of the ties renewed; about 4 miles of 90-lb. new Bessemer and Titanium rails laid; about 4 miles of ballast renewed with ore screenings; several reinforced concrete bridges and culverts built; 1 mile of new track laid in Mineville yard.

Recommendations: That the line of the switchback where it ends on the Mineville section of the road be changed so as not to end on a fill as it now does; this switchback would minimize the effects of a train running away, coming from Mineville, but would be much more efficient in that direction if it ended on the surface or in a cut instead of on a fill.

W. L. DERR,
Inspecter Steam Railroads.

LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY.

Inspected August 21, 1909. Last previous inspection October 9, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Lake Shore and Michigan Southern railway and respectfully submit the following report:

The portion of the Lake Shore and Michigan Southern railway in the State of New York extends from a connection of the New York Central and Hudson River railroad near Exchange street, Buffalo, to the Pennsylvania-State line at State Line, a distance of 67.80 miles double track, with 61.21

miles of third and 34.63 miles of fourth main track and 95.33 miles of sidings and yard tracks. The general alignment is excellent. There is one curve in Buffalo yard of 4 degrees and 30 minutes; aside from that it is about 1 degree and 30 minutes. The grades are light and for large portions of the distance practically level; the maximum is 33 ft. per mile ascending westward for a distance of about 300 ft., at West Seneca. The roadway is well graded and thoroughly drained.

The steel and iron structures are in first-class condition, well painted, have first-class masonry, ties and guard timbers are of standard dimensions and in good repair, inside guard-rails are maintained on all openings to grade. There are no wooden bridges in the roadway; there is 1 overhead bridge carrying a highway over the tracks near Dunkirk, which is in proper condition. There are no overhead obstructions less than 20 ft. above the track, excepting street and railroad crossings in the city of Buffalo; all those are permanent and can not well be raised. There are no timber trestles remaining in the roadway. All open culverts and cattle-passes have stone or concrete masonry and I-beam or plate girder stringers. The ties and guard timbers are standard and well maintained. Arch, box, and pipe culverts are in first-class condition.

The cross-ties in the two passenger tracks are 7 x 9 in., 8½ ft. in length; in the freight tracks 6 x 8 in., 8 ft. in length; and are laid at the rate of 2640 to the mile of track. About 85 per cent are oak and the remainder chestnut. They are in first-class condition, properly spaced and full spiked, and on all curves double-spiked on the outer side, also double spiked every third tie on a straight line; tie-plates are used on all curves. The passenger tracks are laid with 100-lb. steel rail connected by angle plates 40 in. in length with 6 bolts. The remaining main tracks are laid with 80-lb. rail partially connected by angle plates 32 in. in length and partially 24 in. in length with 6 bolts. The rail is in first-class condition, all connections full bolted and bolts tight. All main-track switches are split point and have rigid stands with proper targets, and all are connected with the automatic electric block signals which control the movement of trains. Main-track switch lamps show red light for danger and white for safety; green is used for caution. The main-track frogs are spring rail. Derailing switches with proper targets are in all sidings where their use appears necessary.

The passenger tracks, with the exception of about ten miles, are ballasted with broken stone in good quantity, and the ten miles referred to are now being ballasted with broken stone. The freight tracks are ballasted with gravel in good quantity. The alignment and surfacing of the tracks are first class and the outer rail on curves properly elevated for high speed. The track sections of the four tracks are about 1.80 miles in length, and the force employed upon each section consists of a foreman and 9 laborers. Each gang is furnished with flags and lanterns and torpedoes. All portions of the road are patrolled daily by some member of the section force, who works a portion of the time with the gang.

Two freight tracks of the Erie railroad are crossed at grade in Buffalo yards: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop before crossing; 2 tracks of the Buffalo Creek railroad are crossed at grade in South Buffalo: the crossing is protected by an interlocking plant with derailing switches in all tracks approaching the crossing; a freight track of the Erie road crosses at grade at Dunkirk: the crossing is protected by a modern and complete interlocking plant. Interlocking plants are maintained at a connection with the New York Central and Hudson River railroad in Buffalo; at the crossing of the Buffalo Creek railroad in South Buffalo; at West Seneca, governing the west end of West Seneca yard; at Bay View, governing cross-over and Gardenville yard connections; at Lake View, at Angola, and Silver Creek, governing third and fourth track connections; at Dunkirk, governing the crossing of the Erie railroad freight track; at Westfield, governing third and fourth track connections; and at State Line, governing fourth track connection.

The right of way is clear and clean and fenced with wire, generally in good condition. The highway crossings are properly graded, well planked,

and protected by signs of the diamond form suitably located and well painted; 12 crossings are protected by flagmen, 11 by flagmen and gates, 1 by electric bell, and the remaining 55 by crossings-signs only. Wooden slat cattle-guards are maintained at each boundary of the highways crossed at grade.

The movements of trains are governed by the automatic electric block signal system.

The station buildings are in good condition, clean and neat and properly furnished. Station platforms are plank, gravel, concrete, and brick, and are properly maintained. Station grounds are well kept; have flowers, plants, and shrubs at the most important stations. Fire protection is furnished; at stations where there is a water system, hose is provided; and fire extinguishers at all stations.

The property is thoroughly well maintained; about 15 per cent of cross-ties in the passenger tracks have been renewed and 10 per cent of those in the freight tracks; 5 miles of new 80-lb. steel rail laid, replacing worn 80-lb. steel rail; 27 miles of the tracks have been re-ballasted with broken stone; 1 temporary pile bridge has been replaced with plate girder deck bridge with new masonry; 2 stone box culverts have been replaced with iron-pipe culverts; necessary repairs have been made to bridge, trestle, and culvert floors, and 10 bridges have been re-painted; necessary repairs have also been made to station buildings and painting done where necessary; 4.2 miles of new wire fence has been erected and necessary repairs made to other fences; the new third main track, Dunkirk to State Line, which was partially completed last year, has been finished and put in use; quite extended work has been done toward construction of fourth main track through to the state line.

The property is being thoroughly cared for and no recommendations appear necessary.

J. D. SHULTZ,
Steam Railroad Inspector.

LEHIGH AND HUDSON RIVER RAILWAY.

Inspected June 24, 1909. Last previous inspection October 23, 24, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: Having made an inspection of the Lehigh and Hudson River railway and the Orange County railroad, I respectfully submit the following:

The Lehigh and Hudson River railway in New York state extends from the New Jersey-State line, a short distance east of New Milford, N. Y., to Greycourt, 14.5 miles, and the Orange County railroad from Hudson Junction near Greycourt to Maybrook, 10.7 miles, where a connection is made with the Central New England railway; the two lines have 14.17 miles of sidings. The line also connects with the Erie railroad at Greycourt. In general, both line and grade are good; there are 2 6-degree curves, one east and one west of West Craigville. The grades are mostly light, though there is one of 63.4 ft. per mile, 3700 ft. long, west of Sugar Loaf. Surveys are being made with the view of reducing the heavier grades and curves.

The road is single track and standard gauge; 23.75 miles laid with 80-lb. rail connected by 30-in. splices, 6 bolts, and 1.38 miles 65-lb. and 0.07 mile 60-lb. rails, 24-in. splices, 4 bolts; ties 7 x 9 in., 8½ ft. long, one-half yellow pine and one-fourth each oak and chestnut, 2816 to the mile; 62 bridges and openings with total length of 1235.4 ft.; 4 overhead bridges with less than 21-ft. clearance; 10 highway grade crossings; 12 stations.

The rails, splices, frogs, and switches are in good condition. Ties are being renewed at the rate of about 20 per cent per annum; 3864 ties put in track from November, 1908, to June, 1909. The tie spacing is good, but no tie-plates are used.

The ballast is gravel and engine cinders in fair quantity, and the drainage is good.

At Burnside the line crosses the track of the New York, Ontario and Western railway, the train movements over this crossing being governed by interlocked signals operated from a station of 23 levers.

There is no block signal system; trains are operated by the time limit system.

A machine shop and a roundhouse, both of modern fireproof design, have been built during the past year, located near Warwick, and all engines have received general overhauling, except 3 now in the shop under general repairs.

The freight movement on this line is well handled, and the method is worth a more extended notice and will be made the subject of a special report.

It would seem that the orders of the Commission respecting repairs and renewals of track and structures have been complied with and the general condition of the line well maintained.

Recommendations: That tie-plates be used in main track; that some method of absolute block signaling be installed.

The "time limit" method of spacing trains is insufficient for their best protection. The method in itself is simply that of keeping trains a specified number of minutes apart *at stations*. It does not take into account the difference in speed of trains. A train ahead may be scheduled at 20 miles per hour and a following train at 40 miles per hour. But time limit method does not prevent the fast train from overtaking the slow train. It is true that the standard code rules require inferior class trains to clear the time of superior class trains, and it is usually considered that fast trains are superior to slow trains, but that this is not the case may be seen by inspecting the schedules of trains of the same class of any road moving a heavy traffic. The trouble arising from trains of the same class overtaking each other is not however the principal one. Trouble is more likely to occur from extra trains of different speeds, say slow moving extra freight ahead of a fast extra freight. Both trains have the same "rights," and yet if the train ahead has some distance to go there are good chances that it will be overtaken by the following fast train, of course not always with disastrous results. But above all the block is the best known preventive of head-to-head meeting of trains, because when a train in one direction enters a section governed by block signals an indication of its presence there is given at the other end of the section, so that a train moving in the opposite direction and desiring to enter the already occupied section is apprised of the situation in that section. These are but a few of the many reasons that may be brought up as an argument in favor of block signal operation.

W. L. DERR,
Inspector Steam Railroads.

LEHIGH AND NEW ENGLAND RAILROAD.

Inspected June 23, 1909. Last previous inspection October 23, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: Having inspected the Lehigh and New England railroad I respectfully submit the following:

The main line of this railroad extends from the New Jersey-State line to Pine Island Junction, 3.78 miles main track, and 0.33 miles sidings, where it connects with the Pine Island branch of the Erie railroad. Nearly its whole length is located on an embankment in low swampy land on which it will always be hard and expensive to maintain track. The drainage, so far as track drainage methods go, is in fair condition, but as the valley in which the line is placed is the receptacle of the drainage of the surrounding high lands and is not in itself well connected with the main drainage system of the country, it will in all probability continue to be a difficult section in which to maintain track. Some endeavor is being made to give a better support to the track by using cross-ties 10 feet long (the usual length of ties being 8 ft. to 8½ ft.), but it is improbable that any real relief will be gained from this procedure, as the whole embankment through the swamp land is settling rather than only the track itself. If a swamp is so placed that the side drains, by well situated and frequent outlets having sufficient fall, can be kept free of water, then little difficulty will be experienced in the maintenance of a line. But if, on the other hand, the swamp lies, as this one

appears to, in a basin formed by the underlying rock, or little if any above the main drainage system of the country, the provision of adequate and efficient outlet drains may be impossible, and the maintenance of a line located in such country will only be carried out by constant care and expense. The grade and curvature is light, probably 95 per cent being straight, level track. The ballast is both gravel and engine cinders.

The rail is 60 lbs., 26-in. splices, 4 bolts, and in fair condition and not worn sufficiently to warrant its removal from the track for that cause. The instability of the roadbed causes the rail to "creep" or move on end, and for that reason it is deemed necessary to install expansion joints in the form of split switch rails which allow a certain amount of longitudinal movement of the rails without causing them to buckle; the question of how far the rails could move on end at points where these switch rails are placed without narrowing the gauge of the track sufficiently to cause trouble is not clear and is a matter which I will look into further.

The bridges and openings, with few exceptions, are in good condition; at a span of about 12 ft., second east of Liberty Corners station, the track ties are badly spaced at both ends of the bridge. About 3000 ties were put in the track last season.

The rail joints are not well spiked and many of them have been "stripped" in the base: that is, a part of the base from the spike slot to the end has been broken off by the shearing action of the spike, due to settling of the track through the swamp lands. The frogs and switches are in fair condition. The right of way is fair and free of trees and brushwood. No mile-posts. The highway crossings are planked and in fair condition, and are provided with warning signs and whistling-posts. No cattle-guards.

The station buildings, 3 in number, are merely covered sheds for the protection of milk shipments.

The Pochuck branch extends from Glenwood Junction on the main line to the Pennsylvania-State line, 2.70 miles main track and 1.02 miles sidings; it is a mountain railroad with heavy curves, the maximum being 16 degrees, and a grade of 211 ft. per mile, descending toward the main line for the greater part of its length. It is not well ballasted, and the ballast itself is of a clay nature. The rail and joints are in fair condition. The 23-ft. span trestle needs the renewal of 2 stringers. The other openings are in fair condition. Highway crossings in good condition. Fences generally fair. No mile-posts. Right of way good. 150 ties per mile would put the ties in good condition for the present traffic. The frogs and switches are in fair condition. No station buildings.

Recommendations: The problem of track maintenance on this line is one of drainage and to that end a great deal of energy must be directed. The Pochuck branch should be ballasted if it is continued in operation, and heavier rail used if the weight of power is more than that of a light weight engine.

In general, it may be said that the company appears to have endeavored to maintain its property and to carry out the recommendations of the Commission.

W. L. DERR,
Inspector Steam Railroads.

LEHIGH VALLEY RAILROAD.

Inspected September 8, 9, 10, 11, 13, 1909. Last previous inspection November 20–25, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the various lines of the Lehigh Valley railroad in this State and respectfully submit the following report:

The Buffalo division main line extends from the Pennsylvania-State line near Sayre to Buffalo, 175.16 miles double track, 159.77 miles sidings and yard tracks, a total of 510.09 miles of track; and has the following branch lines: the Ithaca branch, which connects with the main line at Van Etten Junc-

tion and extends to another connection with the main line at Geneva Junction, 59.49 miles first track, 1.02 miles second track, 18.12 miles sidings and yard tracks, a total of 78.63 miles of track; the Waverly branch, which extends from a connection with the Erie railroad at Waverly to a connection with the main line at Sayre, Penna., 0.41 mile main track, 1.42 miles sidings, a total of 1.83 miles of track; the Seneca Falls branch, which connects with the Ithaca branch at Geneva Junction and extends to Seneca Falls, 8.2 miles main track, 2.46 miles sidings, a total of 10.66 miles of track; the Naples branch, which connects with the main line at Geneva and extends to Naples, 29.43 miles main track, 4.34 miles sidings and yard tracks, a total of 33.77 miles of track; the Willard branch, which connects with the Ithaca branch at Hayts Corners and extends to Willard, 3.82 miles main track, 0.3 mile sidings, a total of 4.12 miles of track; the Rochester branch, which extends from Rochester, crossing the main line at Rochester Junction, to Hemlock Lake, 28.72 miles main track, and has a short spur track, 0.4 mile main track, into Honeoye Falls, with 11.08 miles of sidings and yard tracks, a total of 40.2 miles of track; the Niagara Falls branch, which connects with the main line at Niagara Junction and extends to a connection with the Canandaigua branch of the New York Central and Hudson River railroad at Tonawanda Junction, 10.56 miles first track, 10.39 miles second track, 1.93 miles sidings, a total of 22.9 miles of track; the Lehigh and Lake Erie railroad is a freight line, 10.93 miles double track, 41.89 miles sidings and yard tracks, a total of 63.75 miles of track, extending from a connection with the main line at Sloans, east of Buffalo, to a junction with the Buffalo Creek railroad at Tifft farm.

The Auburn division is made up of the following named lines of railroad: Lehigh and New York branch, which extends from a connection with the main line at Sayre, Penna., to North Fair Haven, on Lake Ontario, 115.37 miles main track, 33.36 miles sidings and yard tracks, a total of 148.73 miles of track; the Elmira and Cortland branch, which extends from a connection with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad at Camden to Elmira, 139.14 miles main track, 33.88 miles of sidings and yard tracks, a total of 173.02 miles of track; the Auburn and Ithaca branch, which connects with the Lehigh and New York branch at Auburn and extends to Ithaca, on the Ithaca branch, 42.46 miles main track, 9.94 miles sidings and yard tracks, a total of 52.4 miles of track; the Cayuga branch, which extends from a connection with the Auburn and Ithaca branch at Cayuga Junction to Cayuga, 3.92 miles main track, 1.13 miles sidings, a total of 5.05 miles of track.

Buffalo Division.

The Buffalo division main line has first-class general alignment and most curves are light: the maximum is 8 degrees, at Buffalo; aside from that the sharpest curve is 4 degrees, located near Reniff. The maximum grade outside of Buffalo is 25.4 ft. per mile; in Buffalo there is a short grade of 65.5 ft. per mile. The Ithaca branch has generally fair alignment: the maximum curve is 8 degrees, located east of West Danby, which is now being eliminated by change of line. The grades are steep in places and fairly regular: the maximum is 108.24 ft., east of West Danby; this grade is being slightly reduced, and when completed will be 105.6 feet per mile. The Waverly branch, which is only a short line connecting with the Erie railroad, has a maximum curve of 4 degrees and grade of 35.3 ft. per mile. The Seneca Falls branch is considerably crooked, the maximum curve is 8 degrees and 30 minutes, at Geneva Junction. The grades are generally light; there is in Seneca Falls a short piece with a grade of 142.5 ft. per mile; aside from that the maximum is 52.8 feet, east of Waterloo. The Naples branch has generally very good alignment: the maximum curve is 9 degrees and 17 minutes, at mile-post 345. The grades are considerably irregular but not generally steep: the maximum is 105.6 ft. per mile, at mile-post 373. The Willard branch has generally good alignment: the maximum curve is 10 degrees, located at Hayts Corners. The grades are considerably irregular, with some of 105 ft. per mile, near Willard. The Rochester branch has gen-

erally good alignment: the maximum curve is 6 degrees, east of Rochester. The grades are fairly regular and generally light: the maximum is 79.2 ft. per mile, east of Rochester. The alignment of the Niagara Falls branch is good and the curves light, except at the junction of the main line at Niagara Junction, where there is a curve of 12 degrees; aside from that there are none sharper than 3 degrees. The grades are light for most of the length of the line and regular: the maximum is 52.8 ft. per mile, west of Williamsville. The Lehigh and Lake Erie railroad has generally first-class alignment; there is one curve at the Buffalo Creek connection of 10 degrees and 25 minutes and aside from that none are sharper than 6 degrees. The grades are light and regular: the maximum is 31.68 ft. per mile, located at West Seneca, made necessary in order to connect with other yards there and at the same time gain sufficient elevation to cross above the Lake Shore and other railroads in that vicinity.

The roadway of all the lines is generally well graded and properly drained, sub-drains being used in wet cuts of the more important lines; there are a few cuts on the Naples branch that are rather narrow to admit of sufficient ditches, and some embankments on that line need additional strengthening. A change in alignment is being made on the Ithaca branch near West Danby, to reduce curvature and improve general conditions; this work is nearly completed and has been extensive. Other changes of lines to still better the conditions are contemplated in that vicinity.

The steel and iron bridges of the main line, Ithaca branch, Niagara Falls branch, and Lehigh and Lake Erie railroad, are all in first-class condition, with good masonry, standard ties and guard timbers, well maintained. There are no bridges in the Waverly branch track. On the Seneca Falls branch there is one span of deck plate girder bridge on bents, located in a trestle; it is in safe condition. On the Naples branch there are three spans on bents, pending renewal, and on these the paint is poor; aside from that the bridges on all the lines are very well painted. On the Willard branch there is a span over the main line for which bents are used in place of masonry. None of the bridges above referred to are in unsafe condition, all have proper ties and guard timbers, and inside guard-rails are maintained on all. There are no wooden bridges in the roadway of any of the lines. The only bridges of that character are for overhead highway or farm crossings, and for that purpose iron bridges are generally used, and all, as well as other overhead obstructions that are less than 21 ft. above the track, are protected by warning signals. There are on the main line 14 overhead obstructions that are less than 21 ft. above the track, 1 on the Ithaca branch, 2 on the Waverly branch, 1 on the Naples branch, 2 on the Rochester branch, 2 on the Niagara Falls branch, and 1 on the Lehigh and Lake Erie railroad. A large number of these are either railroad bridges or bridge portals that can only be raised with difficulty; as to the others, which are for overhead highway or farm crossings, the feasibility of raising them to make sufficient clearance could only be determined by a special survey in each case.

There are no timber trestles remaining in the main line, the Ithaca branch, the Waverly branch, the Niagara Falls branch, or the Lehigh and Lake Erie railroad; in the Seneca Falls branch there are 5, in the Naples branch 18, in the Willard branch 2 spans at end of bridge, in the Rochester branch 7. All are either pile or framed bent construction and in good repair, except that on the Naples branch Nos. 363, 363A, and 371 have poor ties needing renewal; and there are some poor ties and stringers on the Seneca Falls branch, material to replace being on the ground. The open culverts and cattle-passes of the main line, Ithaca branch, Niagara Falls branch, and Lehigh and Lake Erie railroad have good masonry, I-beam or plate girder stringers, and standard ties and guard timbers well maintained; on the other lines there are some constructed entirely of timber, while others have masonry with I-beam or plate girder stringers. Those entirely of wood are as follows: Seneca Falls branch, 3; Naples branch, 28; Willard branch, 1; Rochester branch, 1. All are properly maintained. The arch, box, and pipe culverts are apparently all in good condition.

The main tracks of the main line have 349.82 miles laid with 90-lb. steel rail, and 0.5 mile with 80-lb.; the Ithaca branch, 9.8 miles 90-lb., 47.92 miles 80-lb., 2.8 miles 76-lb. rails; the Waverly branch has all 76-lb. rail; the Seneca Falls branch has 1 mile 80-lb. and 7.2 miles 76-lb. rails; the Naples branch has all 60-lb. rails; the Willard branch has all 58-lb. rails; the Rochester branch has 15.72 miles 80-lb. and 13.4 miles 76-lb. rails; the Niagara Falls branch has all 90-lb. rails; the Lehigh and Lake Erie railroad has 17.26 miles 90-lb. and 4.61 miles 80-lb. rails. The cross-ties are in good condition, laid 2816 to the mile of track, and are well spaced and full spiked. Necessary renewals for the season have been made, about 7 per cent. On the main line they are 7 x 9 in., 8½ ft. long, and are 95 per cent yellow pine and 5 per cent oak; on the Ithaca branch 7 x 9 in., 8 ft. long, 70 per cent yellow pine and 30 per cent oak; on the Waverly branch 7 x 9 in., 8 ft. long, 20 per cent yellow pine, 70 per cent oak, 10 per cent chestnut; on the Seneca Falls branch 6 x 9 in., 8 ft long, 10 per cent yellow pine, 5 per cent oak, 85 per cent cedar; on the Naples branch 6 x 9 in., 8 ft. long, 20 per cent yellow pine, 2 per cent oak, 20 per cent chestnut, 58 per cent cedar; on the Willard branch 6 x 9 in., 8 ft. long, 5 per cent yellow pine, 15 per cent oak, 80 per cent cedar; on the Rochester branch 7 x 9 in., 8 ft. long, 75 per cent yellow pine, 5 per cent oak, 20 per cent cedar; on the Niagara Falls branch and the Lehigh and Lake Erie railroad, all ties are yellow pine, 7 x 9 in., 8½ ft. long. The curves are double spiked on the outer side. Tie-plates are extensively used. Of the 90-lb. rails about 13 miles are open hearth steel, 1.30 miles nickel chrome steel, and all the balance of rail of all weights, Bessemer steel. The 90-lb. rails are connected by angle plates 28 in. in length with 6 bolts, the 80- and 76-lb. by angle plates 30 in. in length with 6 bolts, the 60- and 58-lb. rails by angle plates 24 in. in length with 4 bolts. The 90-lb. rail in main and branch line tracks is in good condition; the 80-lb. rail in very fair condition; the 76-lb. rail in the Rochester branch is somewhat worn and some renewals are needed; the 60-lb. rail is in fair condition; the 58-lb. rail in the Willard branch is much worn and there are some loose bolts. All the connections are full bolted, and aside from the Willard branch no loose bolts were observed. All main-track switches are split point, mainly with rigid stands. All have well painted targets. All switches in the main line are protected by the electrical automatic block signal system, those of the Ithaca branch by home and distant semaphore signals interlocked with the switch stands. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. Spring rail frogs are used in the main line tracks and nearly all the branch lines. Derailing switches are in all sidings where their use appears necessary, and have stands with proper targets; those on the main line, Ithaca branch, and some others, are interlocked with the main-track switch stands.

The main line and the Niagara Falls branch tracks are thoroughly well ballasted with broken stone, and nearly all of the Ithaca branch is also ballasted with broken stone in good quantity; the Waverly branch with gravel and cinders; the Naples branch with gravel and cinders and a small amount of stone screenings in fair quantity; the Seneca Falls and Willard branches are lightly ballasted with gravel and cinders; the Rochester branch with gravel and cinders, and small stone in good quantity; and the Lehigh and Lake Erie railroad with slag and gravel in medium quantity. The alignment and surfacing of the main line, the Ithaca branch, the Niagara Falls branch, and the Lehigh and Lake Erie railroad are first class; of the Waverly branch, Seneca Falls branch, and Rochester branch, good; of the Naples branch, fair; of the Willard branch is somewhat irregular, and needs re-surfacing. The outer rail on curves is about correctly elevated for the speed at which the trains are scheduled. The average length of sections on the main line is 4 miles double track, and the section force consists of a foreman and 6 laborers; the Ithaca branch 5 miles single track and a foreman and 6 laborers; the Waverly branch is a part of yard section; the Seneca Falls has 8 miles single track and a foreman and 5 laborers; the Naples branch has 7 miles single track and a foreman and 5 laborers; the Willard branch has a foreman and 4 laborers; the Rochester branch 6 miles single track and a fore-

man and 5 laborers; on the Niagara Falls branch and the Lehigh and Lake Erie railroad the sections are 4 miles of double track and the force on each a foreman and 6 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the road are patrolled daily by some member of the section force.

The main line crosses at grade the following named steam and electric railroads: 1 track of the Rochester branch at Rochester Junction, protected by a modern interlocking plant; 1 track of the Buffalo, Rochester and Pittsburgh railway at Pittsburgh and Lehigh Junction, protected by a modern interlocking plant; 4 freight tracks of the Ohio street branch of the New York Central and Hudson River railroad, in Buffalo: protected by signals located on a tower, and all trains are required to come to a full stop before crossing; 1 track of the Buffalo, Bellevue and Lancaster electric railway, at Cheektowaga: there are derailing switches in the track of the electric railway and proper protection over the trolley wire; this crossing is now being interlocked; 2 tracks of the International railway (electric) on Chicago street, Buffalo: there are derailing switches in the track of the electric road and proper protection over the trolley wire; 2 tracks of the same railway are being put in on Carolina street, Buffalo, but are not yet completed. The Ithaca branch crosses at grade 1 track of the Elmira and Cortland division at Van Etten Junction: the crossing is protected by interlocked semaphore signals. No railroads, steam or electric, are crossed by the Waverly, Seneca Falls, Willard, or Niagara Falls branches. The Naples branch crosses at grade the main track and 2 sidings of the Northern Central railway, at Stanley: the crossing is protected by an interlocking plant, the signals of which are normally set in clear position for the Northern Central railway; when Lehigh Valley trains desire to cross, train employees are required to manipulate the signals; there are derailing switches in the track of the Naples branch, but none in the Northern Central railway; the Northern Central trains do not stop if the signals are in their favor; all Lehigh Valley trains must stop before crossing. The Rochester branch crosses 2 tracks of the West Shore railroad (operated by The New York Central and Hudson River Railroad Company) at Mortimer: the crossing is protected by gates, and all trains are required to come to a full stop; 2 tracks of the main line at Rochester Junction, protected by a modern interlocking plant. The Lehigh and Lake Erie railroad crosses a spur track which connects the Terminal Railway of Buffalo (operated by The New York Central and Hudson River Railroad Company) and the Buffalo, Rochester and Pittsburgh railway: this spur is not in service, and the crossing is not protected.

Interlocking plants are maintained on the main line at State Line, governing the end of the Sayre yard; at Van Etten Junction, governing the main line and Ithaca branch connection; at Geneva Junction, governing the main line, Ithaca branch, and Seneca Falls branch connections; at Manchester, governing the main line and entrance to Manchester yard; at Rochester Junction, governing the main line and crossing of the Rochester branch; at Pittsburgh and Lehigh Junction, governing the main line and crossing of the Buffalo, Rochester and Pittsburgh railway, also yard switches; at Niagara Junction, governing main line and connection with the Niagara Falls branch; at Harlem avenue, Sloan, governing main line and connection with the Lehigh and Lake Erie railroad; and on the Naples branch at the grade crossing of the Northern Central railway at Stanley.

The right of way of all the lines is free from trees, brush, and rubbish. The fences are of wire and generally in fair repair. The highway crossings are well graded, properly planked, and protected by signs of the diamond or triangular form suitably located and well painted. Cattle-guards mainly of the wooden slat pattern, some metallic, are in place at each boundary of the highways crossed at grade, and are generally in good condition. On the main line there are 12 crossings protected by flagmen and gates, 18 by flagmen, 5 by electric bells, and 118 by crossing-signs; on the Ithaca branch 2 by flagmen, 2 by electric bells, and 15 by crossing-signs; on the Rochester branch 2 by flagmen and 27 by crossing-signs; there is 1 crossing on the Waverly branch, 10 on the Seneca Falls branch, 33 on the Naples branch, 3 on the

Willard branch, 14 on the Niagara Falls branch, and 4 on the Lehigh and Lake Erie railroad, protected by crossing-signs only.

The movements of trains on the main line, the Niagara Falls branch, and Lehigh and Lake Erie railroad are governed by automatic electric block signals, and on the other branch lines by the telegraphic train order positive block system.

The station buildings are in good condition, clean and neat, and the sanitary condition good. Water for drinking is provided, and time-tables are posted in the waiting rooms. The station platforms are of plank, gravel, stone screenings, and concrete; there are but few plank platforms remaining, and as soon as renewal is required they are replaced with gravel, stone screenings, and concrete. The station grounds are well kept and at the more important ones there are lawns with shrubs, ornamental plants, and flowers. Fire protection is furnished at all the stations; at the more important ones, where there is a water system, there is hose; at the others, fire extinguishers, water and fire pails.

The principal repairs and improvements noted as made since the last inspection are as follows: About 7 per cent of cross-ties on all the lines except the Lehigh and Lake Erie railroad, where they are all new, have been renewed; on the main line about 1.12 miles of 90-lb. nickel chrome steel and 6.68 miles of 90-lb. open hearth steel have been laid, replacing worn 90-lb. rail; 2.84 miles of 90-lb. open hearth steel and 3.35 miles of 90-lb. Bessemer steel laid, replacing worn 90-lb. rail; on the Ithaca branch 0.46 mile of 90-lb. Bessemer steel and 2.3 miles of 90-lb. open hearth steel have been laid, replacing worn 80-lb. rail; and on the Niagara Falls branch 0.19 mile of 90-lb. nickel chrome steel, replacing worn 90-lb rail; some repairs have been made to ballast on practically all the lines; an iron bridge over a highway at Caledonia has been replaced with a new bridge; extensive repairs have been made to timber trestles and to the floors of bridges, trestles, open culverts, and cattle-passes generally; necessary repairs have also been made to masonry of bridges and culverts; 20 main line bridges, 4 of the Ithaca branch, and 1 of the Niagara Falls branch have been re-painted; 37.4 miles of new woven wire fence have been built or extensively repaired on the main line, and necessary repairs made to fences of the other lines; 10,000 lineal feet of 6-in. drain tile have been laid in ditches of wet cuts of the main line; the yard at Manchester has been remodeled and trackage increased 4.3 miles; on the Ithaca branch about 1 mile of main track has been re-located so as to eliminate an 8-degree curve, reducing the same to 4 degrees; this was very extensive work, necessitating a cut of 63 ft. in depth; on the Lehigh and Lake Erie railroad 4 additional and extensive tracks are under construction in the new yard at Tifft farm; lesser additions and changes have been made to tracks in various other yards of both main line and branches, and station and other buildings repaired and re-painted as necessary.

Recommendations: That the narrow cuts of the Naples branch be widened and the weak embankments strengthened; that the new ties be put on trestles Nos. 363, 363A, and 371, and necessary renewal be made of the worn 76-lb. rail of the Rochester branch and the 68-lb. rail of the Willard branch; that the loose track bolts on the Willard branch be tightened.

Regarding the recommendations contained in the last inspection report, proper attention has been given to them, except that there still remains some poor rail in the Rochester branch track south of Rochester Junction.

Auburn Division.

All the roads that comprise this division are very crooked, with many sharp curves. The grades on main lines are steep and somewhat broken except on the Auburn and Ithaca and Cayuga branches, which for much of their distance are constructed along the shore of Cayuga lake, where the grade is practically level. The maximum curve of the Lehigh and New York branch is 5 degrees and 30 minutes, located near mile-post 311; the maximum grade is 57 ft. per mile, between mile-posts 357 and 358. The maximum curve of the Elmira and Cortland branch is 19 degrees and 30 minutes, west of Cazenovia; the maximum grade, 125.75 ft. per mile for about 2¾ miles, south

of Swartwood. Of the Auburn and Ithaca branch the maximum curve is 17 degrees, at Ithaca; the maximum grade, 72.86 ft. per mile, south of Auburn. Of the Cayuga branch, the maximum curve is 6 degrees, at Cayuga; the maximum grade, 23.8 ft. per mile, near Cayuga Junction. On the Lehigh and New York branch the cuts and embankments are generally of good width and proper slopes, and the drainage generally good; a few places were noted, especially at Tioga Narrows, where the ditches have become filled to some extent and need cleaning. On the Elmira and Cortland branch there are many cuts that need widening; in some cases the slopes are upheld by docking, which is getting out of repair; the embankments are generally of fair width, although a few places were noted where additional strengthening would be of benefit; the ditches are in from fair to good condition. The Auburn and Ithaca branch, which is constructed for much of its length along the shore of Cayuga lake, under a high bluff of rocks, has many side cuts where disintegrating rock in time of storm washes into the ditches; very extensive work is now being done cleaning these ditches, and this portion of the road is very carefully watched, and patrolled in advance of all trains; the balance of the road has cuts and embankments of proper width and ditches in good condition. The Cayuga branch is well graded and is practically all on embankment; therefore the drainage is necessarily good.

The steel and iron bridges are generally in good repair and fairly well painted. The bridge ties and guard timbers are of standard dimensions and well maintained. Inside guard-rails are on all long and high structures. Nos. 337 and 361 of the Lehigh and New York branch are light bridges and are supported on bents pending renewal. On the Elmira and Cortland branch there are quite a number of light bridges, but only light motive power is used there and the lighter of these bridges are to be replaced that heavier power may be used. There are several spans of iron bridge that are erected on timber supports; all are in safe condition. On the Auburn and Ithaca branch and the Cayuga branch all are in good condition and extensive improvements have been made, lighter bridges being replaced by stronger structures.

There are no wooden bridges in the roadway of any of the lines; the only wooden bridges maintained are for overhead highway or farm crossings, and some iron bridges are used for such crossings; all are in good condition, and any less than 21 ft. above the track are protected by warning signals. There are 4 overhead bridges on the Lehigh and New York branch and 2 on the Elmira and Cortland branch that are less than 20 ft. above the track; 2 of those on the Lehigh and New York branch are overhead crossings of railroads, difficult to change; 1 on that branch is a street in Auburn: the approach to the bridge is on quite a steep grade, but it is possible to raise the bridge by extending the fill, and in all probability paying something on account of property damages; the other is an overhead highway at Sterling: it has a clearance of 19 ft. 5 in., and can be raised without very much expense; 1 of those on the Elmira and Cortland branch is west of Blakeslee and has a clearance of 17 ft. 8 in.: there is a steep up-grade on one side of the bridge and a steep down-grade on the other, and to attempt to raise the bridge would cause extensive work; the other low overhead obstruction on that line is of a highway bridge east of McConnellsville that has a clearance of 18 ft. 11 in., and which can be raised without very much expense. There are 30 timber trestles of pile or framed bent construction in the track of the Lehigh and New York branch, 57 in the Elmira and Cortland branch, 6 in the Auburn and Ithaca branch, and 1 in the Cayuga branch; all are in from fair to good condition and arrangements made for any repairs or renewals necessary. A large proportion of the open culverts and cattle-passes on the Lehigh and New York and the Elmira and Cortland branches are entirely of timber. On the Lehigh and New York branch there are 20 of that kind of construction, and 61 with wooden abutments and I-beam or rail stringers; the remainder have good masonry and I-beam or rail stringers. On the Elmira and Cortland branch there are 62 constructed entirely of wood, 38 with wooden abutments and I-beam or rail stringers, and 5 with a poor class of masonry and I-beam or rail stringers. On the

Auburn and Ithaca branch nearly all have good masonry with I-beam stringers; a few have wooden stringers, and there yet remain a few entirely of wood. On the Cayuga branch all have stone masonry and I-beam or rail stringers. All have standard ties and guard timbers, in good condition. The arch, box, and pipe culverts are generally in from fair to good condition; there is 1 arch culvert over a highway north of Cazenovia that is failing: it has been recently re-pointed, and arrangements are made for rebuilding it promptly.

All cross-ties are 6 x 8 in., 8 ft. long, and are laid 2816 to the mile of track. On the Lehigh and New York branch 52 per cent are yellow pine, 16 per cent oak, 22 per cent chestnut, 10 per cent cedar; on the Elmira and Cortland branch 33 per cent are yellow pine, 7 per cent oak, 20 per cent chestnut, 40 per cent cedar; on the Auburn and Ithaca branch and Cayuga branch 41 per cent are yellow pine, 26 per cent oak, 14 per cent chestnut, 19 per cent cedar. The cross-ties are fairly well spaced, full spiked, and in very fair condition; 9 per cent have been renewed on all the lines.

The Lehigh and New York branch has 66.6 miles laid with 80-lb., 15.92 miles with 76-lb., 2 miles with 70-lb., 4.56 miles with 67-lb., 0.45 mile with 66-lb., 19.84 miles with 60-lb., and 6 miles with 58-lb. rail; on the Elmira and Cortland branch there are 0.75 mile 90-lb., 30.12 miles 80-lb., 7.9 miles 76-lb., 3.09 miles 70-lb., 8.25 miles 67-lb., 2.01 miles 60-lb., and 37 miles 56-lb.; on the Auburn and Ithaca branch there are 9.5 miles 90-lb., 10.96 miles 80-lb., 1 mile 60-lb., and 21 miles 58-lb.; the Cayuga branch, 3.92 miles, is laid with 58-lb. rail. The 90-lb. rails are connected by angle plates 28 in. in length with 6 bolts; the 80- and 76-lb. rails by angle plates 30 in. in length with 6 bolts; and all the other rails by angle plates 24 in. in length with 4 bolts. The rail on the Lehigh and New York branch is in very good condition; the 56- and 60-lb. rails on the Elmira and Cortland branch are considerably worn and some renewals are needed; the rail is generally in fair condition for the light traffic and the moderate speed maintained on that branch. The 90- and the 80-lb. rails on the Auburn and Ithaca branch are in good condition; the 60- and 58-lb. rails are somewhat worn and are being replaced with heavier rail. The 58-lb. rail on the Cayuga branch is somewhat worn, but is in fair condition for the very moderate amount of business and extremely low speed maintained on that branch, the branch being used almost entirely for freight purposes. All the connections are full bolted and very few loose bolts were observed, and they were on the Elmira and Cortland branch. All main-track switches are split point; both rigid and automatic stands are in use and have proper targets. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. On the Lehigh and New York and the Auburn and Ithaca branches nearly all main-track frogs are spring rail; on the Elmira and Cortland and the Cayuga branches the greater proportion of the frogs are rigid. Derailing switches are in all sidings where their use appears necessary, and the stands have proper targets.

All the lines excepting the Cayuga branch are ballasted with gravel and cinders in fair quantity; the Cayuga branch is lightly ballasted with cinders. The alignment and surfacing of the tracks of all except the Cayuga branch are very good, and the outer rail on curves properly elevated for the speed at which the trains are scheduled; the Cayuga branch is somwhat irregular in line and surface, but this branch is little used and almost entirely for freight purposes at slow speed. The average length of sections is 7½ miles, and the force maintained on each consists of a foreman and 4 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the road are patrolled daily by some member of the section force; 4 regular watchmen are employed on the Auburn and Ithaca branch and 4 on the Elmira and Cortland branch, and in addition to this the Auburn and Ithaca branch is patrolled on that portion of the road along the lake in advance of each passenger train.

The Lehigh and New York branch crosses the following steam and electric railroads at grade: At Owego, 1 track of the Ithaca branch of the Delaware, Lackawanna and Western railroad: the crossing is protected by a semaphore

signal, and all trains are required to come to a full stop before crossing; at Freeville, 1 track of the Elmira and Cortland branch: the crossing is protected by a semaphore signal, and all trains are required to come to a full stop before crossing; at Auburn, 1 track of the Auburn branch of the New York Central and Hudson River railroad: the crossing is protected by semaphore signals that are interlocked, and all trains are required to come to a full stop; at Auburn, 1 track of the Auburn City railway (electric): there are no derailing switches in the track of the electric railway but proper protection over the trolley wire; north of Auburn, 1 track of the Auburn and Northern Electric railroad: there are no derailing switches in the track of the electric railway but proper protection over the trolley wire; at Sterling Junction, 1 track of the Rome, Watertown and Ogdensburg railroad (operated by The New York Central and Hudson River Railroad Company): the crossing is protected by a tilting board signal, and all trains are required to come to a full stop before crossing; an interlocking plant is now being installed at this place. The Elmira and Cortland branch crosses at grade the following: At Sylvan Junction, 1 track of the New York, Ontario and Western railway: the crossing is made by means of switch connections; the Lehigh Valley trains run for a distance of about 600 feet on the track of the New York, Ontario and Western railway, then branch off on the opposite side; this crossing is protected by a modern interlocking plant; at Canastota, 2 tracks of the West Shore railroad (operated by The New York Central and Hudson River Railroad Company): the crossing is protected by a modern interlocking plant; at Rippleton, 1 track of the Chenango branch of the West Shore railroad: the crossing is protected by a target signal, and all trains are required to come to a full stop before crossing; at Cortland Junction, 1 track of the Syracuse, Binghamton and New York branch of the Delaware, Lackawanna and Western railroad: the crossing is protected by a modern interlocking plant; at Caroline Junction, 1 track of the Ithaca branch of the Delaware, Lackawanna and Western railroad: the crossing is protected by a target signal, and all trains are required to come to a full stop before crossing; at Freeville, 2 tracks of the Lehigh and New York branch: the crossing is protected by target signals, and all trains are required to come to a full stop before crossing; at Van Etten, 2 tracks of the Ithaca branch of the Buffalo division: the crossing is protected by an interlocking plant; near Elmira, 2 main tracks and 2 sidings of the main line of the Delaware, Lackawanna and Western railroad: the crossing is protected by a modern interlocking plant; at Elmira, 1 branch track connecting the Delaware, Lackawanna and Western and the Erie railroads: the crossing is protected by a target signal, and all trains are required to come to a full stop before crossing; at Elmira, 1 track of the Delaware, Lackawanna and Western railroad leading to a freight house: the crossing is protected by a target signal, and all trains are required to come to a full stop before crossing; at Cortland, 1 track of the Cortland County Traction Company's railroad (electric): there are derailing switches in the track of the electric railroad but no protection over the trolley wire; at Horseheads, 1 track of the Elmira Water, Light and Railroad Company's electric railroad: there are derailing switches in the track of the electric railroad, but the protection over the trolley wire is too short and should be lengthened; another track of the same company's railroad is crossed near Elmira: there are derailing switches in the track of the electric railroad but the protection over the trolley wire is too short. The Auburn and Ithaca branch crosses at grade the following: Near Ithaca, 1 track of the Ithaca Street railway: the crossing is protected by semaphore signals that are interlocked; there are derailing switches in the track of the electric road and proper protection over the trolley wire; near the station at Ithaca, 1 track of the Ithaca Street railway: there are no derailing switches in the track of the electric road nor protection over the trolley wire; at Ithaca, 1 track of the Cayuga division of the Delaware, Lackawanna and Western railroad: the crossing is protected by semaphore signals that are interlocked, and all trains are required to come to a full stop before crossing. The only interlocking plants maintained are at the grade crossing of the Ithaca branch at Van Etten Junction, the grade

crossing of the Delaware, Lackawanna and Western railroad at Cortland, and the grade crossing of the West Shore railroad at Canastota.

The right of way is free from trees, brush, and rubbish. The fences are of wire and in fair condition. The highway crossings are well graded, planking in good condition, and are protected by signs of the diamond or triangular form, suitably located and well painted. Cattle-guards of the wooden or metallic slat pattern in very fair condition are at each boundary of the highways crossed at grade. On the Lehigh and New York branch there are 11 crossings protected by flagmen and gates, 10 by flagmen, 3 by electric bells, and 116 by crossing-signs; on the Elmira and Cortland branch 2 by flagmen and gates, 6 by flagmen, 2 by electric bells, and 154 by crossing-signs; on the Auburn and Ithaca branch 1 by electric bells and 30 by crossing-signs; on the Cayuga branch 1 by a crossing-sign.

The movements of trains are governed by the telegraphic train order system.

The station buildings are in very fair condition, clean and neat and properly furnished, and while a large portion of them are small they are apparently sufficient for the requirements.

The principal repairs and improvements noted as made since the last inspection are as follows: about 9 per cent of all cross-ties have been renewed; 0.28 mile of 80-lb. rail has been laid on the Lehigh and New York branch, replacing worn 58-lb. rail; 0.75 mile of 90-lb., 2.19 miles of 80-lb. and 0.11 mile of 60-lb. rail on the Elmira and Cortland branch, replacing worn 56-lb. rail; 4.87 miles of 90-lb. and 0.25 mile of 80-lb. rail on the Auburn and Ithaca branch, replacing worn 58-lb. rail; 9.53 miles of the Elmira and Cortland branch have been re-ballasted with cinders, and repairs have been made to ballasting of the other lines; 9 open culverts and cattle-passes of the Lehigh and New York branch and 6 of the Auburn and Ithaca branch have been extensively repaired; 3 bridges of the Lehigh and New York branch, 1 of the Elmira and Cortland branch, and 18 of the Auburn and Ithaca branch have been replaced with new structures; 1 timber trestle of the Lehigh and New York branch, 4 of the Elmira and Cortland branch, and 2 of the Auburn and Ithaca branch have been rebuilt; 1 open culvert of the Lehigh and New York branch has been rebuilt and 1 replaced; 10 of the Elmira and Cortland branch rebuilt; 10 of the Auburn and Ithaca branch rebuilt and 4 replaced; 1 stone culvert of the Lehigh and New York branch, 2 of the Elmira and Cortland branch, and 3 of the Auburn and Ithaca branch have been replaced with iron pipe; the masonry to 3 bridges on the Lehigh and New York branch and to 3 on the Elmira and Cortland branch has been extensively repaired; the station and other buildings at Kings Ferry, Ludlowville, Aurora, and Oakwood have been extensively repaired, and the station at Aurora re-painted; 2 iron bridges of the Lehigh and New York branch and 8 of the Auburn and Ithaca branch have been re-painted; repairs have been made to station and other buildings where necessary; 9½ miles of new woven wire fence have been constructed on the Lehigh and New York branch and 15 miles repaired; 2 miles of new woven wire fence on the Elmira and Cortland branch and 8 miles repaired; 3 miles of new woven wire fence on the Auburn and Ithaca branch and 5 miles repaired; 0.50 mile on the Cayuga branch and 1 mile repaired; improvements have been made in yard tracks at various places; and a new piece of track, ¼ of a mile in length, put in at Lake Ridge on the Auburn and Ithaca branch.

Recommendations: That the narrow cuts and embankments on the Elmira and Cortland branch be widened and necessary cleaning of ditches be done; that the necessary renewal of worn 56-and 60-lb. rail be made on the Elmira and Cortland branch, and the loose track bolts be tightened.

Regarding the recommendations contained in report of last inspection, the matters referred to are receiving proper attention.

J. D. Shultz,
Steam Railroad Inspector.

LITTLE FALLS AND DOLGEVILLE RAILROAD.

Inspected August 13, 14, 1909. Last previous inspection September 18, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Little Falls and Dolgeville railroad and respectfully submit the following report:

This line is single track, standard gauge; it extends from Little Falls, where it connects with the main line of the New York Central and Hudson River railroad, to Dolgeville, 10.32 miles, with about one mile sidings; the Dolgeville and Salisbury railroad, 3.65 miles long, is an extension of the main line to Irondale, with about three-quarters of a mile of sidings. The line has considerable curvature, the maximum of the main line being 9 degrees, with maximum grades of 110 ft. per mile; the Dolgeville and Salisbury railway has a maximum curve of 8 degrees and maximum grade of 105 ft. per mile. In general, the cross-section of the line is well developed; the northern part of the line is located in clay and quicksand formation easily affected by rainstorms, making its maintenance troublesome.

The steel and iron bridges are in fair physical condition. The Ramson Creek viaduct is of steel or iron, with wooden trestle approaches: 2 of the concrete foundations of the south tower are badly disintegrated. There are 8 timber trestles on the line, 3 of them approaches to metal viaducts; all of them are high, being over what may be termed gullies and mountain streams, and all require more or less repairs and renewals; extensive repairs were being made on one of them, third from Little Falls, at time of inspection. The wooden trestle approaches of the Ransom Creek viaduct are in poor condition. There is 1 overhead road bridge, and it clears. The open culverts and cattle-passes are in fair condition. The arch, box and pipe culverts are in apparent good condition structurally, and free of obstructions.

The cross-ties are generally fair except that a number of broken ones were found and some poor ones at or near ends of bridges. The rail on the main line is 60 lbs. per yard with 24-in., 4-bolt angle splices; on the Dolgeville and Salisbury, 67-lb. rail, with 36-in., 6-hole angle splices, provided with 4 bolts each. The latter, a freight line only, can be operated safely without the full number of bolts in the joints, but as a matter of economy in rail wear the full number of bolts would give better results. Otherwise the joints are fully bolted with bolts apparently tight and fully spiked. On the high bridges the joints are made up of one angle and a flat plate. The switches are split, spring rail frogs, and rigid switch stands with targets; switch lamps apparently not used.

The main line is ballasted with stone, gravel, and cinders of fair quality but often of rather limited quantity. The Dolgeville and Salisbury railway is ballasted with gravel, not always in full quantity, but from the appearance of its rail line and surface it would seem to be of sufficient amount for the present trains and speeds. The track alignment is fair but the surfacing not so good. The line is divided in to 2 track sections, and on the day of the inspection one section gang was composed of a foreman and 4 men and the other one of a foreman and 7 men; also there was a good sized gang of bridgemen repairing the third wooden trestle north of Little Falls. These gangs appear to be provided with the necessary appliances for protection against train movements, and the track and bridge patrolling is done by members of the section gang.

The right of way is in fair condition on the main line; fences are not fully maintained on the Dolgeville and Salisbury railway. The highway crossings are in fair condition, properly graded and planked, and provided with crossing-signs. Train movements are made under the time limit system and by train orders.

The stations are in fair condition. At Little Falls the New York Central station is generally used by passengers and the ticket selling is done there. The Dolgeville station, a frame combined freight and passenger, is in good condition. The Salisbury Center station is a passenger coach, which seems to answer all practical purposes.

Recommendations: The cleaning of the ditches in the clay and gravel formation, especially in the cut spanned by the overhead bridge: in this cut as well as the cuts north of Dolgeville underdrainage (tile) could be applied to good advantage; replace with angle bars the flat Fish plates of the rail joints on high bridges: this will stiffen the track on these bridges and aid somewhat in the distribution of the stresses due to passing trains; the steel and iron viaducts should be carefully tested before any heavier power is run over them or other than low speeds made over them; the concrete foundations of the south tower of Ramson Creek viaduct should be repaired at once and the timber trestle approaches should receive immediate renewals; in the meantime, low-speed train movements should be maintained over the structure, and no braking done over it that can be reasonably avoided: the poor track ties at or near the ends of bridges should be renewed promptly; switch lamps should be maintained on all main-track switches when there are night train movements; much improvement in the riding qualities of the track, and in wear of rails, ties, and equipment would result from fully ballasting the track where it is not more than half ballasted, and it is recommended that this be done, giving preference to points near bridges; there is a curve in the main line about a mile from Little Falls station and just south of the first quarry building along the track, which should be thrown towards the side-cutting, towards the left going north; its present location is almost on the outer edge of the side-cut, 60 to 75 ft. above the New York Central tracks, and a derailment there would prove troublesome; only an inside guard-rail now protects it; the removal of a comparatively small amount of rock would permit the throwing of this track two or three feet away from the overhang, and it is so recommended.

Many of the recommendations of last year as regards bridges have been complied with, and others are in course of being done; a foundation of the Ransom Creek viaduct has been renewed as recommended; the sand and clay cuts referred to were no doubt cleared at the time, but have since become obstructed owing to the temporary nature of the drainage methods pursued.

W. L. DERR,
Inspector Steam Railroads.

LONG ISLAND RAILROAD.

Inspected April 26, 27, 28, 29, 1909. Last previous inspection April 27, 28, 29, 30, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the various lines of the Long Island railroad in the Second District, and respectfully submit the following report:

The main line extends from the New York city line to Greenport, with 80.7 miles first track, 11.23 miles second track, and 22.9 miles sidings and yard tracks; the Montauk division extends from the New York city line to Montauk, with 100.95 miles first track, 33.13 miles second track, 1.3 miles third track, and 32.98 miles sidings and yard tracks; the North Side division extends from the New York city line to Port Washington, 5.27 miles main track and 2.85 miles sidings and yard tracks; the Oyster Bay branch extends from Mineola to Oyster Bay, with 14.68 miles first track, 4.36 miles second track, and 6.48 miles sidings and yard tracks; the Wading River branch extends from Hicksville to Wading River, 45.34 miles main track and 10.89 miles sidings and yard tracks; the Hempstead branch extends from Mineola to Hempstead, 2.41 miles main track and 2.08 miles sidings and yard tracks; the Central Extension branch extends from Creedmoor to Belmont Junction, 19.97 miles main track and 2.6 miles of sidings and yard tracks; the New York Bay Extension extends from Hempstead Crossing to Valley Stream, 6.15 miles main track and 0.95 mile sidings; the Manor branch extends from Manorville to Eastport, 5.77 miles main track and 0.31 mile sidings; the Sag Harbor branch extends from Bridgehampton to Sag Harbor, 4.57 miles main track and 1.79 miles sidings; the Far Rockaway branch extends from the

New York city line to Valley Stream, 4.33 miles double track and 3.39 miles sidings and yard tracks; the Long Beach branch extends from Lynbrook to Long Beach, 6.46 miles main track and 1.43 miles sidings; the Bethpage branch extends from Bethpage Junction to Bethpage, 1.52 miles main track and 1.82 miles sidings and yard tracks; the Jamaica and South Shore branch extends from the New York city line to Cedarhurst, with 2.08 miles of double track.

The Jamaica and South Shore branch, recently rebuilt and electrically equipped, is not in operation. The Central Extension branch and the Bethpage branch are only used for irregular freight service, except that portion of the Central branch between Hempstead Crossing and Floral Park over which the trains to and from Hempstead operate. The second main track is being extended on the main line to the junction with the Wading River branch at Hicksville; the grading is completed and track being laid. Grading has also been done and track is being laid for extension of the second main track on the Oyster Bay branch from Roslyn to Glen Cove, 5.1 miles.

There has been practically no change in the general alignment, grades, and curves of the portion of the Long Island railroad in this district since the last inspection. The roadbed is well maintained and the drainage well cared for. The steel and iron bridges are in good condition, generally well painted, and have standard ties and guard timbers properly maintained; the masonry is in good condition; inside guard-rails are maintained on all bridge structures. The only span wooden bridges in the roadway are 2 short draw spans on the Long Beach branch, about 20 ft. each in the clear; they are in good condition and properly protected by distant signals interlocked with the mechanism operating the draw. The overhead bridges for highway and farm crossings are properly maintained; some are of wood, but most of them are of iron or steel; all low ones are properly protected by warning signals well maintained. There are 3 timber trestles remaining in the main line roadway, 6 in that of the Montauk division, and 7 in that of the Long Beach branch; all are of standard construction, properly maintained, and all have inside guard-rails. The open culverts and cattle-passes are in good condition; nearly all have stone or concrete masonry and I-beam stringers, and all are sufficient and safe. The arch and box culverts and iron-pipe drains are all apparently in proper condition.

Since the last inspection one solid floor bridge has been put in on the Montauk division; 10 bridges have been re-painted; 3 new undercrossings are now under construction, eliminating grade crossings; 1 timber trestle on the Montauk division has been rebuilt and 1 replaced with concrete arch and filling, 2 on the Long Beach branch extensively repaired, and 56 spans of another filled; necessary repairs have been made to the ties and guard timbers of all structures open to grade, also to the masonry of those structures.

The standard dimensions of cross-ties are 6 x 9 in., 8 ft. in length, and 7 x 9 in., 8 ft. 6 in. in length, and they are laid at the rate of 2816 to the mile of track; about 50 per cent are yellow pine, 40 per cent oak, and 10 per cent mixed chestnut and cedar; they are well spaced, full spiked, and in first-class condition, necessary renewals for the season being practically completed. Since the last inspection about 12½ per cent of all cross-ties have been renewed.

The rail is generally in good condition, all connections full bolted and bolts tight. There is a little rail on the Wading River branch that is somewhat worn and necessary renewals are being made. The light rail of the Sag Harbor branch is also somewhat worn, but is in fair condition for the traffic and speed maintained. The rail on the Long Beach branch is also worn to some extent and is to be replaced with 100-lb. rail, which is now being distributed, and arrangements are made for renewing other rail as necessary. Necessary light renewals have been made on the various lines during the past year, and about 1.7 miles of new 100-lb. rail laid on the Oyster Bay branch, replacing worn rail. All main-track switches are split point with rigid stands. Spring rail frogs are used with the heavy rail and some rigid frogs with the lighter rail on branch lines. Switch and semaphore lamps show red light for danger and green for safety. Many switches at obscure places are protected by distant signals, interlocked with the switch stand; all are

properly maintained. Derailing switches are in all sidings connecting with the main track on which cars are left standing, where the grade descends toward the main track; all have switch stands and many are connected by interlocking with the main-track switch.

The road is generally well ballasted with gravel, cinders, and sand. There has been little change in the ballasting, only necessary repairs having been made since the last inspection. The alignment and surfacing of track of the main lines are first class, and of the other lines good; and the outer rail on curves properly elevated. The track sections vary from 5 to 6 miles in length of single track, and on each section there is maintained a force consisting of a foreman and 7 men in summer, and a foreman and 3 men in winter. Each gang is provided with flags, lanterns, and torpedoes for protecting its work, and all portions of the road are patrolled daily.

The grade crossings of railroads are as follows: at Mineola, crossing of the Oyster Bay branch connection with the Hempstead branch, protected by a modern and complete interlocking plant; at Freeport, 1 track of The New York and Long Island Traction Company's road: there are derailing switches in the track of the electric road and proper protection over the trolley wire; at Mineola, 1 track of the Central Extension branch crossing the Hempstead branch, protected by a proper interlocking plant; at Garden City, 1 track of The New York and Long Island Traction Company crossing the Central Extension branch: there are derailing switches in the track of the electric road and proper protection over the trolley wire; at Hempstead, 1 track of The New York and Long Island Traction Company crossing the New York Bay Extension branch: there are derailing switches in the track of the electric road, but the copper trough over the trolley wire is too short. The interlocking plants are properly maintained. The only change since the last inspection has been the addition of a 48-lever machine at the junction of the Wading River branch and the end of the double track at Hicksville; this machine, located in a tower, is nearly completed and will be put in operation as soon as the extension of the second main track at that point is completed.

The right of way is free from trees, brush, and rubbish. Fences are well maintained on the electrified portion of the road; elsewhere they are only maintained opposite grazing land, and some of them are not in very good condition, although considerable improvement has been made; about 10½ miles of new woven wire fence have been erected since the last inspection and considerable repairs made to other fences. The highway crossings are in proper condition; they have signs of the diamond form, suitably placed and well painted; on the electrically operated portions of the road cattle-guards and guard-fences are maintained, but at most other highway crossings they are lacking; 28 highway crossings are protected by flagmen, 27 by flagmen and gates, 54 by electric bells, and the remainder, 368, by crossing-signs only.

Automatic electric block signals are in operation on the main line from the city line to Mineola; on the Montauk division main line, city line to Oakdale; on the Oyster Bay branch, Mineola to Roslyn, and Locust Valley to Oyster Bay; and on the Central Extension and Hempstead branches from Floral Park to Hempstead; some automatic electric block signals are also placed at obscure places on various other lines. The signals on the Central Extension branch and Hempstead branch from Floral Park to Hempstead have been installed since the last inspection. On other portions of the lines above mentioned, and on the other lines, the movements of trains are governed by the telegraphic train order system.

The station buildings, while many of them are small, are apparently sufficient for the requirements, and are in good repair; the paint on quite a large number of them is getting rather dim and the appearance of the buildings would be very much improved and the structures themselves benefited by an additional coat of paint; they are clean and neat and the sanitary condition good. A new, modern station has been erected at Floral Park, a new brick station is to be erected at once at Hicksville, and 16 other new station buildings have been built since the last inspection: 19 others have been quite extensively repaired, and 9 re-painted.

Recommendations: That new stations be erected at Hempstead, Huntington, Central Islip, and Hewlett, where the present ones are apparently, in addition to being old ones, too small to furnish proper accommodations; that the station buildings on which paint is dim be painted; and that the fences be put in proper condition.

In regard to the recommendations contained in the report of inspection of this road made in May, 1908, necessary rail renewals have been made on the various lines as recommended; a portion of the wooden structures on the main line and Montauk division have been replaced with permanent structures, and the others will be when renewal becomes necessary; the condition of fences has been improved; and some additional cattle-guards put in.

J. D. SHULTZ,
Steam Railroad Inspector.

LOWVILLE AND BEAVER RIVER RAILROAD.

Inspected September 28, 1909. Last previous inspection July 18, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Lowville and Beaver River railroad and respectfully submit the following report:

The Lowville and Beaver River railroad, a single-track line, connects with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad at Lowville, and extends to Croghan, a distance of 10.44 miles, and has approximately 1.1 miles of sidings and yard tracks. The general alignment is very good and most curves light; the maximum is 8 degrees. The grades are somewhat broken but not generally steep; the maximum is 111 ft. per mile for about 2 miles, near Lowville. The cuts and embankments are all light; they are of fair width and proper slopes, and the roadway is well drained.

There are 6 spans of steel and iron bridges in the main line; all are in good condition, with concrete masonry, and have standard ties and guard timbers, well maintained, and inside guard-rails on all. On a siding leading to a paper mill at Beaver Falls there are 5 spans of deck plate girder bridge on concrete masonry; it has standard ties and guard timbers and is in very good condition except that it should be painted to prevent rust. On this spur track there is a wooden structure consisting of timber cribs and wooden stringers; this is in fair condition and the surfacing of the track on it has been materially improved since the last inspection so as to obviate the dangers to which attention was then directed. There are no wooden span bridges either in the roadway or for overhead highway or farm crossings. The only timber trestle remaining is one of 83 spans of about 14 ft. each; it is of standard pile construction and in good repair; some of the piles at the westerly end are of spruce and will need replacing in the near future; it is proposed to put in several spans of iron bridge at this place and fill the remaining portion of the trestle. There are 22 open culverts and cattle-passes, all with either stone or concrete masonry and timber stringers, and with standard ties and guard timbers. All are in good condition. The arch, box, and pipe culverts are in proper condition.

The cross-ties, mainly of cedar, are 6 x 8 in., 8 ft. in length, and are laid at the rate of 2816 to the mile of track; they are well spaced and full spiked. The road has not been built a sufficient length of time to require any extensive renewals and whatever renewals were needed have been made. The track is laid with 60-, 65-, and 67-lb. steel rail, connected by angle plates 22 and 24 in. in length with 4 bolts; the rails, while somewhat worn, are in fair condition for the light traffic and moderate speed maintained; all the connections are full bolted and bolts tight. All main-track switches are split point and have automatic stands with proper targets. Night trains are not operated. Most frogs are rigid and all are in proper condition. A derailing switch is in the only track where one is apparently needed.

The track is ballasted with gravel and sand in fair quantity. The track is in good alignment and surface, and the outer rail on curves properly ele-

vated for the speed at which the trains operate. The road is maintained by a force consisting of a foreman and 8 laborers. A work train was engaged at the time of the inspection getting out additional sand and gravel to put on the road where needed.

The right of way is clear and is fenced with wire in good repair. The highway grade crossings are properly graded, well planked, and protected by signs of the diamond form. No cattle-guards are maintained. There is very seldom more than one train on the road, and when necessary the movements of trains are governed by telephone or telegraph.

At Lowville there is a first-class combination station of brick; at New Bremen, Beaver Falls, and Croghan there are good combined passenger stations of wood. The waiting rooms are clean and neat and general condition at the stations good. In the Lowville station there are sanitary closets; at the other stations outside closets, in proper condition.

Since the last inspection some ballasting has been done and the general condition of track improved.

The only recommendation considered necessary is that the portion of the only trestle in the road where there are spruce piles be replaced or rebuilt early next season.

The recommendations contained in the last report have been complied with, except that the cattle-guards have not been placed, and I do not consider that cattle-guards are necessary, although required by law.

J. D. SHULTZ,
Steam Railroad Inspector.

MARCELLUS AND OTISCO LAKE RAILWAY.

Inspected November 3 and 4, 1909. Last previous inspection November 23 and 24, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Marcellus and Otisco Lake railway and respectfully submit the following report:

The Marcellus and Otisco Lake railway connects with the Auburn branch of the New York Central and Hudson River railroad at Martisco and extends to the foot of Otisco lake, a distance of 9.05 miles, and has about 2 miles of sidings and yard tracks; it is a single-track line. The road is very crooked, especially between Marcellus and Martisco, about 3 miles: the maximum curve, as near as I can estimate, is about 50 degrees, and there are several others of apparently 30 degrees or upward; between Marcellus and Otisco lake most of the curves are lighter, but there is one of approximately 20 degrees. The road uses a locomotive with very short wheel-base, but on such curves it requires a good track and very slow speed to insure keeping on the rails. When the last inspection was made there were many evidences of derailment; since that time the general condition has been improved and no evidence of new derailment was observed. There are on the road 46 curves, making an average of about 5 to the mile. The grades are irregular but not generally steep; there is a maximum of 132½ ft. per mile for a short distance near Marcellus; some other grades are approximately 80 ft. per mile.

There has been considerable improvement made in the roadway since the last inspection, but there yet remain quite a number of side-cuts between Marcellus and Martisco that have steep slopes and loose boulders remaining on the side which should be removed, and in those cuts the ditches are almost entirely filled.

There are 3 iron bridges in the roadway, 1 composed of I-beams of about 24½ ft. span, the other 2 are through plate girders 45 ft. in length; they have concrete masonry in good condition, and all have good ties and guard timbers. The ties and guard timbers on the 2 through bridges have been renewed since the last inspection. Inside guard-rails are maintained, but it was observed that some of them were not connected; angle plates should be put on and bolted. There are no wooden bridges in the roadway nor for

overhead crossings, and there are no overhead obstructions. There are 8 timber trestles, 6 with pile bents and 2 with framed bents. At No. 1, nearest Martisco, which consists of 7 spans, a concrete arch culvert has been put in since the last inspection and the trestle partially filled. At one other trestle there has been a concrete abutment built, and it is proposed to build another there, putting in an iron bridge and filling the balance of it; this work should not be delayed, as the piles, stringers, and ties are in poor condition. All the others are old structures, and the pile trestles need entire renewal, while those with framed bents should have nearly all new stringers and ties. The superintendent of the road, who accompanied your inspector, advised that the material had been ordered, bill received, and the car reported as on the way with material with which to make the necessary renewals and repairs; this work should not be neglected, as the trestles are in such condition as not to be very safe. There are 6 open culverts and cattle-passes, 4 with concrete abutments and 2 with stone; all have timber stringers; 4 of them have no guard timbers; all are in fair condition. There is 1 concrete arch culvert, newly constructed and in first-class condition; the stone box and pipe culverts are in good condition.

The cross-ties, approximately 20 per cent yellow pine, 50 per cent cedar, and 30 per cent chestnut, are of 5-in. face and upward, 6 in. in thickness, and 8 ft. in length, and are laid at the rate of 2640 to the mile of track; they are generally in fair condition, but 10 per cent additional renewals should be made; they are very well spaced and full spiked. About 15 per cent have been renewed this season. The track is laid entirely with 70-lb. steel rail, and on the sharp curves in 60-ft. lengths; they are connected by angle plates 24 and 36 in. in length with 4 bolts. The rail is in very good condition, all the connections full bolted and bolts tight. All the switches are split point and have rigid stands, and new targets have been put on all the stands where lacking when last inspection was made. Some of the switches have spring in head rod, rendering the switch automatic. No switch lamps are used, night trains not being operated. Both rigid and spring rail frogs are used and are in good condition. Derailing switches have been put in sidings where their use appears necessary.

The track is lightly ballasted with gravel and has been considerably improved since the last inspection. The alignment and surfacing have been very greatly improved and the outer rail on curves properly elevated for the moderate speed at which the trains run, the speed being reduced on some of the curves to five or six miles per hour. The track is maintained by a force consisting of a foreman and 6 laborers, who are furnished with proper appliances for protecting their work.

The right of way is entirely cleared and fairly clean. The fences are of wire and properly maintained opposite grazing land. Fourteen highways are crossed at grade; the crossings are in proper condition and protected by signs of the diamond form. Vitrified cattle-guards are in place at each side of the crossings where fences are maintained.

At the terminus of the road at Otisco lake there is a small frame station with concrete platforms; this is for summer use. At Rose Hill there is a fair combination frame station with plank platforms; at Marcellus a good combination frame station with plank platforms. At Martisco the station facilities of the New York Central and Hudson River railroad are used. All are properly furnished and have suitable toilet facilities.

Recommendations: That the side-cuts between Marcellus and Martisco be widened, loose rock removed from the slopes, and suitable ditches maintained; that the inside guard-rails on the bridges and trestles be connected by proper angle plates, fully bolted; that trestle No. 1 be filled or renewal of stringers and ties made; that No. 2 have stringers and ties renewed promptly; and Nos. 5, 6, 7, 8, 10, and 11 be almost entirely renewed at once; that guard timbers be put on the open culverts and cattle-passes where now lacking; that 10 per cent additional renewals of cross-ties be made.

Regarding the recommendations contained in report of last inspection: New ties and guard timbers have been put on the 2 iron bridges; some repairs have been made to the trestles; quite extensive renewals of cross-ties

made; switch stands have been supplied with targets and locks; some additional ballasting done; and the alignment and surfacing of the track greatly improved; all highway grade crossings have been supplied with proper crossing-signs; and the schedule shows that trains are not required to make other than moderate speed.

J. D. SHULTZ,
Steam Railroad Inspector.

MASSENA TERMINAL RAILROAD.

Inspected October 6, 1909. Last previous inspection September 15 and November 11, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Massena Terminal railroad and respectfully submit the following report:

The Massena Terminal railroad is a freight line, connecting with the New York Central and Hudson River railroad, Rome, Watertown and Ogdensburg division, and the Grand Trunk railway, at Massena Springs, and running to Massena, a distance of 1.56 miles; it has 0.75 mile of sidings and yard tracks. The line is leased to The New York Central and Hudson River Railroad Company, which uses it practically as a freight side-track to reach industries, etc., principally the works of the Aluminum Company of America, Massena. The maximum curve is about 8 degrees, and maximum grade about 100 ft. to the mile; generally the grades are of a broken character. The cuts, embankments, and ditches are in fair condition.

The steel and iron bridges are in good condition. There are no wooden bridges. There are 3 open culverts or cattle-passes of wood construction, in good condition. There are no arch and box culverts; the pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are 6 x 6 in. and 6 x 8 in., 8 ft. long, laid about 2816 to the mile, are in fair condition and well spiked. 60-lb. and 70-lb. rails are used, the former fastened by Fish plates and the latter by angles; the rail is in fair condition for the comparatively slow freight movement passing over it. The switches are split point and the switch stands are provided with targets; rigid frogs are used; derails not needed.

The track is ballasted with gravel, apparently of sufficient quantity for the maintenance of the line under its present business. The alignment and surfacing are fair; some additional surfacing would improve the line to the probable extent of increasing the life of the rails. The section force is a foreman and 2 men or more as required. There are no grade crossings of railroads.

The right of way is in fair condition. Approaches to the highway crossings are well graded and the planking is in fair condition.

The repairs and improvements are sufficient to keep the property in an apparently safe working condition.

W. L. DERR,
Inspector Steam Railroads.

MIDDLEBURGH AND SCHOHARIE RAILROAD.

Inspected June 16, 1909. Last previous inspection August 11, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Middleburgh and Schoharie railroad and respectfully submit the following:

The line is single track, standard gauge, extends from Middleburgh to Schoharie, 5.33 miles, where it connects with the Schoharie Valley railway, the two lines forming a through line between Middleburgh and Schoharie Junction.

The rail and splices are not much worn; the traffic being light, they are not subjected to great wear. The condition of the ties is only fair, and at least 150 per mile, a total of 800, should be put in the main track before

next winter. About three-quarters of the line is ballasted with stone and the remainder with gravel, engine cinders, and earth; generally the ballast is sufficient in quantity and quality. The drainage is fair and apparently is being bettered from time to time. The switches are stub, and those in the main track should be replaced by split switches and more modern switch stands. The frogs are in fair condition.

The principal traffic point of this road is Middleburgh. It is provided with a small but comfortable and well kept wooden passenger station, a separate wooden freight station, a freight house track, and a team track. The engine house is at Middleburgh; it is of wood and in fair condition with a capacity of 2 engines. As there are no other engine houses on either this road or the Schoharie Valley railroad, the same engine running over both roads, it is necessary for engines hauling trains to run backwards in one direction. The turntable, a half through trussed wooden structure, is in poor condition but seems to meet the present requirements.

The three public highway crossings are so located as to obscure the view of approaching trains from vehicles nearing the track from the east side; they are not provided with whistling-posts, but should be at once, and strict orders issued by the company (if not already in existence) that the standard whistle signal be sounded when passing the whistling-posts on approaching the crossing, the posts to be 1320 feet from nearest side of the crossing.

The bridges are in fair condition with the exception of one of 4-ft. span south of Schoharie: this one will be rebuilt this summer.

There is no fire extinguishing apparatus in the various buildings at Middleburgh.

Train dispatching facilities consist of a telephone line, which is sufficient for handling the present volume of business. The physical condition of the line appears to be such as to admit of a maximum speed of 20 miles per hour with the light power now in use.

W. L. DERR,
Steam Railroad Inspector.

MIDDLETOWN, UNIONVILLE AND WATER GAP RAILROAD.

Inspected August 25, 1909. Last previous inspection November 8, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Middletown, Unionville and Water Gap railroad and respectfully submit the following report:

This line is operated by the New York, Susquehanna and Western Railroad Company and extends from Middletown, where it connects with the Erie railroad and the New York, Ontario and Western railway, to the New York–New Jersey boundary line, a distance of 13.65 miles of single track. It has a total of 2.86 miles of sidings and yard tracks. The alignment is fair; the maximum curve outside of Middletown terminal is 5 degrees. The maximum grade is 123 ft. per mile for a distance of about 900 ft., about a mile and a-half east of Middletown. The roadbed is in fair condition; deeper ditching and at some points under-drainage would improve the cuts.

The steel and iron bridges are in fair condition for the speed and weight of power passing over them. There are no wooden bridges or timber trestles. The open culverts and cattle-passes are in good condition. The arch, box, and pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are 7 x 9 in., 8.5 ft. long, laid 2816 per mile; about 75 per cent are yellow pine and 25 per cent chestnut and oak; from the number distributed along the track and being put in at the time of the inspection it is fair to say that the line would be well tied for the coming winter. 2.95 miles are laid with 60-lb. rail, and 10.7 miles with 70-lb. rail; the whole is fastened with 24-in., 4-bolt angles, and is in fair condition. The main-track switches are split point with automatic switch stands, targets, and lights. Spring rail frogs are generally used, and derailing switches where their use appears necessary.

The ballast is gravel and engine cinders in fair quality and quantity. The details of track line and surface are fair, and judging from the amount of work in progress at the time of this inspection they will be in fair condition for the coming winter. The sections consist of about 5¾ miles of main track, and the section force of a foreman and 5 men per section, with additional extra gang. The sections are patrolled daily by some member of the gang, and appliances for stopping trains are provided.

The right of way is in fair condition and its fences of wire are in fair repair. The highway crossings, 17 in number, have good approaches and are provided with crossing-signs; 1 is protected by a flagman.

Trains are operated by time limit and telegraphic train orders.

Station buildings are in fair condition and apparently of sufficient size to take care of the business.

Repairs and improvements noted are: 6.9 miles of 60-lb. rail have been replaced by the same amount of 70-lb. re-laying rail; about 3500 ties, or about 9 per cent, renewed; ballast renewed at various points.

Recommendations: That more ditching and some under-draining be done.

The recommendations of last year seem to have been complied with except that there still remain some highway crossings that should be provided with cattle-guards.

W. L. DERR,
Inspector Steam Railroads.

MOUNT BEACON INCLINE RAILWAY.

Inspected May 13, 1909. Last previous inspection May 25, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Mount Beacon Incline railway and respectfully submit the following report:

The Mount Beacon Incline railway extends from the foot of Mount Beacon, near Matteawan, to its westerly summit, a distance of 2200 feet. The average grade of the road is 64 per cent and the maximum 74 per cent. The road, operating machinery, cables, and cars are in good, safe condition. Necessary renewals of ties, guard timbers, idlers, etc., have been made, and the alignment and surfacing are improved. The only thing I find to criticise is that there are a few mudsills near the foot of the plane, to which the attention of the officer in charge of repairs was directed, that should be renewed, as they are getting somewhat decayed, and he assured your inspector that the matter would receive prompt and proper attention. Therefore no recommendations are considered necessary.

As to the recommendations contained in report of last inspection, those matters were attended to.

J. D. SHULTZ,
Steam Railroad Inspector.

NEWTON FALLS AND NORTHERN RAILROAD.

Inspected September 30 and October 1, 1909. Not previously inspected.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Newton Falls and Northern railroad and respectfully submit the following report:

The Newton Falls and Northern railroad, a single-track line, connects with the Carthage and Adirondack branch of the Rome, Watertown and Ogdensburg railroad (operated by The New York Central and Hudson River Railroad Company) at Newton Falls and extends to New Bridge, a distance of approximately 6.5 miles, and has about 0.25 mile of sidings and yard tracks. The road is extremely crooked, grades irregular and very much broken; one curve was measured and shown to be approximately 30 degrees, and there are several others that in places are nearly as sharp. The maximum grade was supposed to be about 212 ft. per mile, but owing to the irregularity in grade was apparently steeper for short distances. The cuts are narrow and almost entirely devoid of ditches. The embankments are narrow and sagged, and much of it consists of logs lightly covered with earth.

There are no steel or iron bridges and no overhead obstructions. The Oswegatchie river at Newton Falls is crossed on 6 spans of stringers on timber cribs, and the spans vary from about 15 to 25 ft.; the stringers are made of timbers flattened on two sides and cover all the space from end to end of ties; the stringers are mainly of hard wood and are sufficient while sound, but the native hard wood decays quickly and they will have to be replaced as soon as they begin to get old. The ties are of sawn timber about 8 x 8 in., but there is only an occasional one that is spiked to the stringers; there is no guard timber, and the ties are bunched so that some spaces are about 5 ft. between the bearings for the rail. There are 2 pile trestles, one of 43 spans and the other of 10 spans, of about 12 ft. each, across low places flooded by the dam at Newton Falls; the caps and stringers are of timber flattened on two sides; the ties are of sawn timber and in the same general condition as at the crossing of the Oswegatchie river: badly bunched and with long spaces between the bearings for the rail. There are 6 open culverts, 6- to 10-ft. spans, with abutments made of logs and the same sort of stringers as on the trestle, with common ties and no guard timber, but the ties are in proper place. The other small openings for water through embankments are box culverts made of logs.

The cross-ties are of cedar, spruce, hemlock, or native hard wood timbers, from 6 to 12 in. face and 8 ft. in length, and the number to a 30-ft. rail varies from 13 to 16; they are poorly spaced but full spiked, and are as yet sound. The rail appears to be of about 70-lb. weight and with fair surface, but considerably bent for lack of proper bearing; most of it is connected by angle plates 36 in. in length punched for 6 bolts but none of the connections has more than 4 bolts in, and most of them but 2 bolts, and at some joints there are no bolts in one or the other of the rails; some angle and Fish plates are used, 20 to 24 in. in length, punched for 4 bolts but most of them have but 2 bolts in. The switches are split point and in fair condition. The stands are rigid and have no targets. No lamps are used or apparently necessary, as night trains do not operate. The frogs are rigid and in fair condition.

The alignment and surfacing of the track are very bad, owing to the poor grading and lack of ballast. Much of the road is through swamp, with not sufficient support, and the track is forced down into the muck on one or both sides, causing the track to spread in places, putting it in generally bad condition. In some places poles and plank have been put under the ends of the ties in the effort to prevent the settling, but it is not effectual, and enough embankment should be made to prevent the settling by distributing the weight over a greater surface. About 40 ft. each side of the track has been cleared of trees and all but small brush. No fences are maintained or apparently needed. No highways are crossed.

One track of the Carthage and Adirondack road is crossed at grade in Newton Falls yard: the tracks of each road at the point where the crossing is made are used for switching purposes only and no protection is provided.

Recommendations: That cuts be properly widened and ditches made; that embankments be also widened, and sufficient embankment made in swamps to cover the poles, etc., and distribute the weight so as to prevent settling of the track; that the ties on the trestles and the stringer spans over the Oswegatchie river be properly spaced and secured by guard timbers; that the cross-ties be properly spaced and additional ones provided so there will be not less than 15 to a 30-ft. rail; that the angle and Fish plates connecting the rails have not less than 2 bolts in each rail; that sufficient sand or some kind of ballast be put in so that the track may be maintained in reasonably fair surface and alignment.

The road is used entirely for conveying logs and timber belonging to the company that owns the road; only light, geared locomotives are used that can run only at slow speed, and no passengers are carried; but for the safety of those operating it as well as for economy in operation the things I have recommended should be done.

J. D. SHULTZ,
Steam Railroad Inspector.

NEW YORK AND OTTAWA RAILWAY.

Inspected December 8, 1909. Last previous inspection November 5, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the New York and Ottawa railway and respectfully submit the following report:

The New York and Ottawa railway extends from Tupper Lake to the Canada line, in the St. Lawrence river, near Cornwall, Canada, a distance of 69.45 miles, with 6.8 miles of yard and side tracks. It is single track, standard gauge. The road is considerably curved, the maximum being 14 degrees 30 minutes, between St. Regis Falls and Santa Clara. There are some heavy grades, the maximum of which is that of Leboeuf's Hill, 2.8 per cent and 0.8 mile long. The cuts and embankments are fairly well developed in cross-section. The swampy formation in which the south end of the line is located is not conducive to stability of roadbed. The line is fairly well surface drained.

There are 6 steel and iron ridges, all of short span except the 2 spans of 370 ft. each composing that part of the bridge over the St. Lawrence river in American territory. All are in good condition. There is one wooden truss bridge in main track, a pony Howe truss of two 80-ft. spans, and in fair condition. The other wooden bridges carry overhead highway and farm crossings, and clear the track at least 21 ft. The timber trestles are in fair condition. The open culverts and cattle-passes are in good condition. The arch, box, and pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are 6 x 8 in., 8 ft. long, laid 2816 per mile; about 70 per cent cedar, 20 per cent tamarack, and 10 per cent hemlock; the ties are in fair condition. Rail braces are used on sharp curves. There are 18.4 miles of 80-lb. rail, 36-in., 6-bolt angles; 12 miles 67-lb., 36-in., 6-bolt angles; 14.7 miles 65-lb., 36-in., 6-bolt angles; 24.35 miles 56-lb., 24-in. 4-bolt angles. The rail is apparently fully bolted and spiked. The main-track switches are split point and the stands are provided with targets and lights. Spring rail frogs are used with the heavy rail, and rigid frogs with the 56-lb. rail.

The ballast is generally gravel, and in various places of less than standard quantity. The alignment and surface are fair and would be improved by completing the ballasting to full cross-section at various points. The length of sections is 6.4 miles; force, 6 men per section; track patrolled daily by men from sections; each gang provided with flags, torpedoes, and lanterns for signaling trains to stop.

The grade crossings of railroads are as follows: United States and Canada railroad (Grand Trunk), at Helena: interlocking plant; Rutland railroad, near Moria: ball signal; New York and Ottawa trains use about 400 ft. of the Rutland railroad in crossing; New York Central and Hudson River (Mohawk and Malone division), Tupper Lake Junction: semaphore home signals; all trains stop before crossing.

The right of way is in good condition. Fences are maintained through other than wild lands. The highway crossings are 39 in number, and are well graded and planked and provided with crossing-signs; none of them are protected by bells, gates, or watchmen. Train movements are governed by the time limit and train orders.

The station buildings are in good condition and appear to be of sufficient capacity for the business handled.

The repairs and improvements noted are: ties renewed, 27,000; rail renewed, 12 miles of 67-lb. rail, replacing 56-lb. rail; 4 trestles rebuilt and 7 trestles filled; 4 open culverts rebuilt and 2 open culverts filled; 3 cattle-passes extensively repaired; 1 building repaired and painted; 7 miles of new fence built; new track scales installed at Nyando.

Recommendations: That more ballasting be done; and that the general drainage, especially deep or under-drainage, be gone into more thoroughly.

Last year's recommendations seem to have been carried out.

W. L. DERR,
Inspector Steam Railroads.

NEW YORK AND PENNSYLVANIA RAILWAY.

Inspected November 4, 1909. Last previous inspection September 23, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the New York and Pennsylvania railway and respectfully submit the following report:

The New York and Pennsylvania railway extends from Canisteo, where it connects with the Susquehanna division of the Erie railroad, to the New York-Pennsylvania line near Geneseo, a distance of 27.1 miles; it then passes for some distance through the State of Pennsylvania and reënters the State of New York for 0.18 mile at Ceres, where it connects with the Pittsburg, Shawmut and Northern railroad. Total yard and side tracks, 2.89 miles. There is a maximum curve of 9 degrees located at Rough and Ready and Rexville, and a maximum grade of 1 per cent between Norton's Hollow and Greenwood. Much of the line is located in a district subjected to the destructive action of torrential streams. The cuts are particularly subjected to the action of these streams which results in their being badly washed at times. The embankments are generally of sufficient width. The ditches are not always sufficient section, largely due to the soft material of which the cuts are often composed being washed into them whenever a rainstorm occurs.

There are no steel and iron bridges. There is 1 wooden Howe truss bridge, 105 ft. long, over the Canisteo river at Canisteo, near where the road connects with the Erie railroad; it is in good condition for the present weight of power and speed. There are 28 wooden trestles on the line, in fair condition for the present weight of power and speed. There are 56 open culverts and cattle-passes in the main track, most of them having wooden abutments; all are in fair condition. There are no arch culverts; the box culverts are generally of wood; a few pipe culverts have been installed. All culverts appear to be free of obstructions to the passage of water.

The cross-ties are 6 x 8 in., 8 ft. long, 2816 per mile; of mixed oak, yellow pine, cedar, and chestnut; about 10 per cent of the ties need renewing. The rail is 60 lbs. per yard, fastened with 19- and 24-in., 4-bolt angle splices. All main-track switches are split point and the switch stands are provided with targets. No switch lights are used, as night trains are not run. Most of the main-track frogs are spring rail and the balance rigid. Derails are used where needed.

The ballast is gravel, of poor quality and not always of full quantity. Considerable ballasting has been done during the past season, but much yet remains to be done. Only fair results may be anticipated even from full ballasting until a much better system of drainage has been provided. The alignment and surface of the track are but fair, but can not be much improved until the roadbed is better drained. The sections are about 7 miles long and the force is a foreman and 6 laborers per section. Track is patrolled daily by some member of the section gang. Appliances for signaling trains to stop are provided.

There are no grade crossings of railroads.

The right of way is not well fenced, but has been fairly well cleared of undergrowth. The highway grade crossings are well graded and planked, but are not provided with whistling-posts. None are protected.

Trains are operated by telephone train orders and time limit.

The station buildings are frame and combined passenger and freight; they are in fair condition.

The repairs and improvements noted are: 12,207 ties put in track this season; ballasting done at various points; 2 timber trestles rebuilt; 8 open culverts and 2 cattle-passes repaired, and 14 open culverts and 7 cattle-passes extensively repaired; 1.13 miles of new fence built and 2.4 miles extensively repaired.

Recommendations: That more attention be paid to drainage; that at least 10 per cent of the ties be renewed next season; and that whistling-posts be provided for each highway grade crossing.

W. L. DERR,
Inspector Steam Railroads.

NEW YORK, AUBURN AND LANSING RAILROAD.

Inspected December 18, 1909. Not previously inspected.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the steam operated section of the New York, Auburn and Lansing railroad and respectfully submit the following report:

The New York, Auburn and Lansing railroad is a single-track line extending from Auburn to Ithaca, a distance of 34.5 miles. It is operated as a steam railroad between Auburn and South Lansing, about 29.1 miles, and as an electric line between South Lansing and Ithaca. The steam section only is referred to in this report. The branch tracks, sidings, and yard tracks amount to 4.5 miles. About one-third of the main line is curved, the maximum being 4 degrees, located 2 miles south of Auburn. The maximum grade in main track is probably not intended to exceed 2 per cent when the road, now practically under construction, is finished. The cuts and embankments appear to be of fair cross-section, but owing to their recent construction have not fully settled, and many of the ditches have partially filled from debris washed from the slopes of newly made cuts.

The steel and iron bridges are new and in good condition. The wooden bridges and timber trestles are new and in good condition, except 2 trestles between North Lansing and South Lansing, which should be replaced by heavier structures before the close of the construction period or in the event of increasing the speed of trains and weight of power. The open culverts and cattle-passes are in fair condition. The box and pipe culverts are in fair condition and apparently free of obstructions to the passage of water.

Cross-ties are 6 x 6 in., 8 ft. long, except that some longer ties are used upon which it is proposed to rest an electric third rail which may be installed in the future; they are laid about 2650 per mile; 25 per cent are oak and 75 per cent chestnut. 2.5 miles of main track between Auburn and a-half mile south of Whites are laid with 60-lb. steel rail fastened by 30-in., 6-bolt angles; balance of main track with 70-lb. steel rail fastened by 24-in., Bonzano 4-bolt joints. The main-track switches are split point, operated by switch stands provided with targets and lamps. Rail frogs are used. Derailing switches are not yet installed, as the road has not been in operation a sufficient length of time to determine their permanent location and the need for them.

The ballast is gravel, new. The details of line and surface are not good; the grass and weeds growing in and alongside the track probably affect line and surface to a considerable extent, and being new track it has not yet settled to a firm bearing. The average length of track sections is 11 miles; 1 man per section on 3 sections, 3 men on Auburn section, and 1 roadmaster. Red flags furnished each section gang for protecting their work. Each section is patrolled daily by a member of the section gang. There are no grade crossings of railroads.

The right of way is not in good condition. A considerable amount of underbrush and weeds remained uncut at the time of the inspection. The highway crossings are in fair condition.

Trains are handled by standard code rules, telegraphic train orders, and time limit.

The stations are in fair condition and apparently of size sufficient to take care of the business.

The road being newly built, no renewals are necessary.

Recommendations: That the section force be increased and the length of sections be reduced: the present track force is inadequate, and owing to it the cost of track deterioration will amount in any given time to much more than the cost of sufficient force to keep the track in good condition during that time; the cost of deterioration of rail alone will several times over pay for the necessary force to keep it in proper line and surface, and this is especially true of rail laid on a newly built roadbed; the same is true of drainage, etc.; if the road is to be operated by steam power, the size of cross-ties should be increased to that of the general standard of steam railroads; when the present ties become a few years old they will not be of sufficient size to safely carry even engines of the type now in use.

W. L. DERR,
Inspector Steam Railroads.

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the New York Central and Hudson River railroad lines in the Second District and respectfully submit the following report, which includes some general remarks on the operation of these lines:

Hudson Division.

Inspected August 31, 1909. Last previous inspection August 27, 1908.

This division extends from the New York city boundary line near Mount St. Vincent to near Rensselaer, and has 127.75 miles of first track, 127.75 miles second track, 25.08 miles of third track, 4.38 miles of fourth track, 0.53 mile of fifth track, and 95.5 miles of sidings. The line lies in the Hudson River valley and most of its length is directly alongside of the river, and a considerable amount on fills across various inlets or coves of the river. It is at no point more than a few feet above the surface of the river and its upper end is often flooded and subjected to ice blockades. As it follows the meanderings of the river it is necessarily much curved, but while the amount of central angle is great the maximum degree of curvature is not heavy, being 7 degrees 5 minutes, just north of Poughkeepsie. The grades generally are light and largely level but at a point about 200 feet north of Tarrytown it is 74 per cent (39 ft. per mile), 0.17 mile (890 feet) long, ascending towards Albany.

The cuts are of good cross-section but of necessity can not be well drained: their bottoms being within a few feet of the surface of the river capillary action if no other cause operated would keep them wet. The embankments, where they are located in the water, and they generally are so located, are subjected to the same wetting as the cuts, that is through the absorption of the water in which they stand. The roadbed for its entire length is further subjected to the action of all the drainage entering into the Hudson river on its east side between Rensselaer and New York city, but this action though very great is hardly comparable at all with the enormous wearing action on the roadbed by the whole river running alongside of it. Not only does the drainage water play havoc in its cutting across the roadbed, but as soon as it has crossed it turns itself alongside to further help in the destruction of the roadbed. This condition naturally produces an unstable roadbed and one difficult and costly to maintain.

The extension of the roadbed for the third and fourth tracks is being carried on slowly; but there is perhaps no other piece of track extension anywhere in this country that involves so many engineering difficulties. The Hudson is not an ordinary river but is actually an arm of the sea in addition to having the attributes of an ordinary river, and from a hydraulic standpoint it must be so considered. While it is impossible to predetermine the effects of a change at a given point, on some other point, in a river like the Hudson, it is pretty safe to assume that the effect will be unfavorable; so that any change in the cross-section of the river by narrowing it as would be done by a roadbed for additional tracks, would undoubtedly change the direction of certain currents to the detriments of points above or below in the river.

Then, too, the widening of the various tunnels would be involved in much difficulty. These tunnels are not ordinary tunnels from an engineer's point of view. They were built probably to avoid the points of rock jutting into the deep water of the river, and which would have been left in a very unstable condition had they been made open cuts. It was a great misfortune to locate the road originally on its present level. If the location had been made 15 to 20 feet higher, additional tracking would be a matter of small moment compared with what is involved in widening the roadbed at its present level.

The tunnels of this division, 11 in number, are through points of rocks jutting into the river. In some instances they save a long detour but on the whole seem generally to have been constructed to avoid an open cut in rock having a steep dip towards the river and consequent tendency to slip if left

unsupported as would be the case in an open cut. The rocks in question form an incline prop to prevent the mass of rock above them from slipping into the river channel. The physical characteristics of the tunnels are:

Location	Nature	Length, ft.	Condition
Oscawana	Rock	223	Good
Crugers	Rock	63	Good
Little	Rock	71	Good
Tower 40	Rock con. lined	274	Good
Ft. Montgomery	Rock	332	Good
Garrison	Rock	486	Good
Breakneck	Rock	515	Good
New Hamburgh	Rock	834	Good
Camelot	Rock	113	Good
Mortons	Rock	156	Good
Garretson's	Rock	91	Good

Total length 3158 feet, all double tracked.

The steel and iron bridges are generally in good condition, though a number of the older ones need partial tie renewals and painting. Those which have been made from floor beams of other bridges are not especially commendable structures, particularly where it has been found necessary to use more than one under a rail: for example, the bridge between towers 91 and 92, and other places north of that point. When more than one stringer is used under a rail it is a pretty fair assumption that any one of them alone would not carry the maximum load. If conditions should arise, and they are possible, which would throw more strain than its share on one of these girders, it might become strained beyond its limit. The masonry, on the whole, is fair. The 3 drawbridges appear to be well protected by signals, etc. Taking the one near Hamburgh as an example, the power operating the drawbridge is controlled by the block signalman at tower 54, north of the bridge; when the draw is to be opened permission must be given by the signalman at tower 54, who himself can not unlock the power-controlling lever at the draw until all the signals controlling the tracks over the draw are set at the danger or stop position.

The wooden bridges are confined to overhead highway and farm crossings; they appear to be in fair repair, and those not clearing the track 21 ft. are provided with warning guards. There seems to be an abnormal number of private overhead crossings on this line, 5 between towers 65 and 66, south of Rhinecliff, all within much less than a mile distance; and near the south or New York end of the line there are many which it would seem could be combined without serious inconvenience to their owners. There are no timber trestles in main tracks. All open culverts and cattle-passes are covered with solid floors. The arch, box, and pipe culverts are apparently in good condition and free of obstructions to the passage of water.

The cross-ties of main tracks are generally of yellow pine, 7 x 9 in., 8 ft. long, containing about 3.5 cubic feet of material and weighing about 190 pounds each; the bearing surface on bottom is about 6 square feet, and sides and ends 10.2 square feet. They are laid 20 per 33-ft. rail, or 3200 per mile (10,200 cubic feet timber per mile), under the 100-lb. rail. The average bearing surface per lineal yard of track is 11 square feet, and the average weight of track per yard, including rails, ties, tie-plates, splices, and bolts is about 596 pounds. The condition of the ties in the main track is not up to the standard of the best New York Central practice, and this is particularly the case from Fishkill Landing north. Tie-plates are freely used, and double spiking practiced on curves.

The main track is laid 2.1 miles of 100-lb. open hearth, and 280.79 miles of 100-lb. Bessemer rail, total 282.89 miles of 100-lb. rail; and 2.6 miles 80-lb. Bessemer rail. All splices are 36-in., 6-hole angles. The 100-lb. rail in some places shows the effects of wear and oxidation, due probably to the dampness of the locality in which it is laid. The main-track switches are split point and the greater part of them operated through interlocking stations, either directly, or as in the case of outlying switches, by electric locks controlled from signal towers. The switch stands are provided with lights. The frogs in main tracks are spring rail. Derailing switches are provided at points where needed, such as sidings from main tracks where cars are left standing.

The main tracks are ballasted with stone, except about 1.2 miles of third track ballasted with cinders; the stone ballast has not been kept up to standard section. In many instances the track has been raised for a considerable distance and not filled in between ties; an example of this is the main track north of Rhinecliff. The line and surface of the rails are fair except where the ballast is short. The riding of the curves for high speed would probably be improved by easement or spiral approaches, and some of them appear to need re-running and thrown to an instrument defined line. The length of sections averages 6 miles of single track, and the section gangs average a total of 5 men in winter and 9 in summer; 29 sections are patrolled daily by a member of the gang, and 19 sections are patrolled by track-walkers who perform no other duties; in addition, there are 21 tunnel and bridge slope watchmen. Each gang, watchman, and track-walker is provided with necessary appliances for signaling trains to stop.

At Hudson the Hudson branch of the Boston and Albany railroad, 2 tracks, crosses the main tracks; and at Cold Springs the Cold Springs Iron Company railroad, double tracks, crosses the main track; both crossings are provided with interlocking switches and signals. There are 88 interlocking plants governing main line movements, with a total of 1568 levers, 1336 of which are in use. In signaling, this division as well as the whole system is doing high-class work, and its signal department is fully alive to the demand of high-speed dense traffic.

The right of way is in good condition so far as useless undergrowth and trees are concerned. Fences are maintained where possible. The highway crossings are generally well graded at their approaches and the planking in fair condition. Cattle-guards are placed at crossings where there are no flagmen. The crossing protection consists of 3 flagmen without gates, 43 flagmen with gates, 2 by electric bells, and 11 by crossing-signs only

The block system is the controlled manual, whereby the signalman at the advanced end of a block controlls the entrance to the block at its distant end, involving two men in all train movements pertaining to the entering of a block.

The station buildings are generally in fair condition. Some seem hardly adequate in size for the service they are called upon to perform. All are pretty well provided with fire extinguishing appliances, closets, drinking water, etc.

The repairs and improvements noted are: cross-ties renewed, 8 per cent; rail renewed, 2.1 miles single track, 100-lbs. per yard, open hearth, replacing 100-lb. Bessemer rail; 2.3 miles single track, 100-lb. Bessemer re-layer rail, replacing 80-lb. Bessemer rails; ballast, 20 miles stone; bridge No. 192 a new rail floor, replacing rail and I-beams; 1 cattle-pass filled; 1 culvert replaced with castiron pipe; 4 buildings other than stations rebuilt; 5 stations and other buildings extensively repaired; 72 stations and other buildings re-painted; 10 bridges re-painted; 5.5 miles of new and rebuilt fence; Tulip Street yard, Poughkeepsie, rebuilt with 0.25 mile additional track; new yard track at Ossining 0.7 mile long; new freight running track, Greenwood to Hastings, 2.91 miles long; extension of third track, Ossining, 0.76 mile; 1 mile of river wall built.

Recommendations: That the ballasting be carried to full cross-section at points where it is now deficient.

The recommendations of last year seem to have been carried out.

Harlem Division.

Inspected August 30, 1909. Last previous inspection August 25, 26, 1908.

This division extends from the New York city boundary line to Chatham, where it joins the Boston and Albany railroad, 114.75 miles first track, 39.35 miles second track, and 56 miles sidings and yard tracks; with a branch line from Goldens Bridge to Lake Mahopac, 7.22 miles main track and 1.5 miles sidings and yard tracks. For the purposes of this report, that part of the electric division in the Second District, approximately from Woodlawn to Crestwood, is included in the Harlem division.

The curvature and grades of the main line are generally light, a maximum curve of 4 degrees 55 minutes at White Plains and a maximum grade of 51 ft. per mile at Martindale; while the Lake Mahopac branch has a curvature and grades considerably greater, a maximum curve of 8 degrees at Goldens Bridge and a maximum grade of 117 ft. per mile at Somers Center. The cross-section of the roadbed is generally well developed, its cuts and embankments being of good width and slope. At several points on the main line, and a considerable number on the Lake Mahopac branch, under-drainage could be installed to advantage.

The steel and iron bridges are in fair condition with the exception of the paint, which is very generally in poor condition. There are no wooden bridges carrying the tracks. There are some overhead highway public and farm crossing bridges; all are in fair condition, and those of less than 21 ft. clearance are provided with warning guards. There are 2 timber trestles where a washout occurred, in good condition. The open culverts and cattle-passes appear to be in good condition, the waterways being free of obstruction to the passage of water. All the arch, box, and pipe culverts appear to be in good condition and free of obstruction to the passage of water.

The cross-ties are generally in fair condition and are laid 2816 per mile. Tie-plates are in use on sharp curves. The main line is laid with 131.6 miles of 80-lb. Bessemer rail and 22.5 miles of 100-lb. Bessemer rail, all fastened with 36-in., 6-hole angle splices. The Lake Mahopac branch is laid with 1.65 miles 80-lb. Bessemer rail, and 5.57 miles 65-lb. Bessemer rail, all fastened with 36-in., 6-hole angle splices. The rail is in good condition and the 80-lb. rail of the main line is fast being replaced with 100-lb. section. All main-track switches are split point, and both rigid and automatic switch stands are used. High targets and distant signals are used where the switches can not be seen for a distance. Spring rail frogs are generally used in main-track connections. Derail switches are in use where needed. The switch work of the division is in good condition.

The main line tracks are ballasted with stone, gravel and cinder, and the Lake Mahopac branch with gravel and cinder; all ballasting is of full cross-section and fairly well drained. The line and surface are good, as was shown by actual tests in passing over it at speeds exceeding that of the schedules of the fastest trains running on the division. On the main line the average length of sections is 6.07 miles, and average force 5 men in winter and 8 in summer; Lake Mahopac branch, average length 7.21 miles, and average force 5 men in winter and 7 in summer.

The Union Electric railway crosses the main line at grade at White Plains: no derailing switches, but there is trolley protection by netting over trolley wire; the Central New England railroad crosses at grade at Millertown and at Boston Corners: each of these crossings is protected by flagman and gates, and all trains are required to stop before passing over them; at Lake Mahopac the Putnam division crosses the Lake Mahopac branch at grade, and although this crossing is protected by interlocking trains stop before crossing. The interlocking plants at White Plains, Ghent, and Lake Mahopac Junction are in good condition; there are no other interlocking plants on this division.

The right of way is in fair condition. Considerable fence has been repaired this season and more will be done. Adjacent property owners are to maintain much of the fence but generally fail so to do. The highway crossings are generally in good condition as to grading, planking, etc., and are provided with crossing-signs and cattle-guards. The method of grade crossing protection is as follows: main line, 8 flagmen at crossings without gates, 21 flagmen at crossings with gates, 6 by electric bells only, and 60 by crossing-signs only; Lake Mahopac branch, 1 flagman at crossing without gates, and 7 by crossing-signs only.

The block system is partly automatic electric and partly telegraphic.

The stations are well kept, many of them being surrounded by park grounds, and all provided with toilet facilities, drinking water, and fire extinguishing apparatus.

The repairs and improvements noted are: cross-ties renewed, main line 11 per cent, and Lake Mahopac branch 8 per cent; rail renewed, main line 22.5 miles 100-lb. Bessemer, replacing 80-lb. Bessemer; ballast renewed, main line 16 miles stone and 15 miles cinder; 1 open culvert replaced with concrete floor; 1 bridge having masonry rebuilt; 2 buildings rebuilt and 57 station and other buildings re-painted; 12 bridges re-painted; 9.6 miles of fence rebuilt; passing sidings extended: Dykemans 0.15 mile, Patterson 0.35 mile, Ghent 0.54 mile.

Recommendation: That under-drainage be resorted to more freely.

The recommendations of last year seem to have been carried out.

New York and Putnam Division.

Inspected September 1, 1909. Last previous inspection August 26, 1908.

The main line of this division extends from the New York city boundary line to Putnam Junction, the Yonkers branch from New York city line to Yonkers, and the Mahopac Falls branch from Baldwins Place to Mahopac Falls. The main line has 47.56 miles single track and 11.4 miles of siding; the Yonkers branch is double track, 1.68 miles, or a total of 3.36 miles single track, and 0.1 mile sidings; the Mahopac Falls branch has 2.05 miles single track and 0.3 mile siding. This division runs through a "heavy" country, and therefore steep grades and sharp curves are its particular features. Its general direction conforms to that of the Hudson River valley and for that reason its line is crossed by a considerable number of drainage lines entering the lower Hudson. The maximum curve on the main line is 8 degrees, at several points; on the Yonkers branch, 16 degrees at Yonkers; on the Mahopac Falls branch, 12 degrees 9 minutes at Baldwins Place. The maximum grade on the main line is 143.8 ft. per mile, about 650 ft. long, near East View; on the Yonkers branch, 90 ft. per mile, about 1600 ft. long at Park Hill; on the Mahopac Falls branch, 92 ft. per mile, Baldwins Place to ½ mile north. Some of the rock cuts on the main line have rather narrow section but on the whole sufficient to give necessary clearance; the two branches have generally well developed cross-section, and both main line and branches are fairly well drained.

The steel and iron bridges are apparently in good condition except that a number of them need partial renewal of track ties and painting. Wooden bridges are confined to overhead highway and farm crossings. On the main line there are 16 and on Yonkers branch 1 that do not clear the standard 21 ft. above rails. All are provided with warning guards in fair condition. The open culverts and cattle-passes are spanned with I-beam stringers, rail stringers, and a few of them with wooden stringers; all are in fair condition. All the arch, box, and pipe culverts are in fair condition and appear to have sufficient opening for the passage of water and are free of obstruction.

The cross-ties are fair, and laid 2816 per mile. Tie-plates are used on sharp curves. The main line is laid, 2.19 miles 80-lb. Bessemer rail, and 45.37 miles 65-lb. Bessemer rail, all fastened with 36-in., 6-hole angle splices. The Yonkers branch and the Mahopac Falls branch are laid with 60-lb. rail, fastened with 22-in., 4-hole angle splices. The rail is generally in fair condition. but that of the Yonkers branch should be increased in weight at an early date owing to that line being subjected to a heavy passenger travel with its consequent higher speed. All main-track switches are split point. Switch lights are provided on all main-track switches. Generally spring rail frogs are used in the main tracks, although a few stiff rail frogs are used. Derailing switches are in use where needed.

The main line and branches are ballasted with cinder, generally a fair quantity, except the Mahopac Falls branch which is not fully ballasted (this branch is a freight line only). The line and surface is rather below the average, except the Yonkers branch which is fair. On the main line and branches the average length of sections is 5.17 miles, with an average force of 4 in winter and 6 in summer. Each section is patrolled daily and each gang is supplied with necessary appliances for protecting train movements.

At Dunwoodie, the Union Electric railway, one track, crosses the main line: provided with derails and trolley protection; at Nepperhan, the Union

railway, one track, crosses the main line: provided with derails and trolley protection; at Elmsford, the Tarrytown, White Plains and Mamaroneck Electric railway crosses the main line: provided with derails and trolley protection; at Lake Mahopac Junction, the Lake Mahopac branch of the Harlem division, one track, crosses the main line: the crossing is interlocked and all trains come to a full stop. There are no interlocking plants considered as a part of the New York and Putnam division.

The right of way is free of underbrush and fenced. The highway crossings are generally in good condition as to grading, planking, etc., and provided with crossing-signs and cattle-guards. They are protected as follows: main line, 3 flagmen without gates, 4 flagmen and gates, 11 electric bells only, and 32 by crossing-signs only; Yonkers branch, 1 by flagman without gates; Mahopac Falls branch, 3 by crossing-signs only.

The block system on the main line is telegraphic block; Yonkers branch, electric automatic; Mahopac Falls branch, train orders and time limit.

The station buildings are apparently of a size sufficient to take care of the business of the various communities; they are neat, and provided with toilet facilities, drinking water, and fire extinguishers.

Repairs and improvements noted are: cross-ties renewed, main line 14 per cent, Yonkers branch 9 per cent, and Mahopac Falls branch 7 per cent; rail renewed, main line 14.37 miles, re-layer 65-lb. rail replacing 60-lb. rail, and 2.73 miles 65-lb. rail replacing 65-lb. rail; ballast renewed, main line 7.6 miles cinders, Yonkers branch 1 mile cinders, and Mahopac Falls branch 0.4 mile cinders; bridge P-22, riveted lattice truss, replacing deck truss pin connected; 3 cattle-passes replaced with concrete and 1 filled; masonry rebuilt to 1 bridge; 2 stations and other buildings extensively repaired; 15 stations and other buildings re-painted; 1 bridge on main line re-painted and 3 on the Yonkers branch; 1 mile of fence rebuilt on the Yonkers branch.

Recommendations: That under-drainage be resorted to more freely; and that bridge painting be done where needed.

The recommendations of last year seem to have been carried out.

River Division.

Inspected September 2, 3, 1909. Last previous inspection October 13, 14, 1908.

This division extends from the New Jersey-New York state line near Tappan to Ravena, and its Albany branch from Ravena to Kenwood Junction near Albany where it connects with the Delaware and Hudson railroad; the Rockland Lake branch from Congers Station on main line to Rockland Lake, practically a siding to Rockland Lake, a summer resort; the Wallkill Valley railroad from Montgomery, where it connects with the Erie railroad, to Kingston where it connects with the main line. The main line has 111.17 miles of first track, 111.17 miles second track, 9.88 miles third track, and 80.99 miles yards and sidings; the Albany branch has 11.55 miles single track and 2.29 miles sidings; the Rockland Lake branch has 1.17 miles single track and 0.63 mile sidings; the Wallkill Valley railroad has 32.88 miles single track and 6.51 miles sidings. On the main line the maximum curve is 9 degrees 44 minutes, east of Highland Falls; Albany branch maximum curve 3 degrees, west of Selkirk; Rockland Lake branch maximum curve 10 degrees 30 minutes, near Rockland Lake; Wallkill Valley railroad maximum curve 10 degrees 14 minutes, east of Rosendale. The maximum grade main line is 1.12 per cent, 0.16 mile long, east of Blauvelt; Albany branch 0.72 per cent, 0.31 mile long, west of Ravena; Rockland Lake branch, 0.99 per cent, 0.36 mile long, Rockland lake; Wallkill Valley railroad, 1.24 per cent, 0.14 mile long, west of Kingston. The main line follows generally the meanderings of the Hudson river, and consequently has considerable fairly heavy curvature; of the branches, the Albany has light curvature, the Rockland heavy curvature, and the Wallkill Valley railroad more or less heavily curved. Grades of main line and Albany branch are light, the Rockland branch has fairly steep grades, and the Wallkill Valley railroad grades are more or less steep.

The main line is well graded and drained, and being much higher above the water except in a few places than its neighbor across the river, the Hudson division, its roadbed is naturally higher and better drained. Some portions of the line south of Newburgh are but a few feet above the river, but generally speaking they are on fairly stable ground. The river bank is more stable than on the opposite side of the river, due somewhat to a more favorable direction of the dip of the rock, and there are not so many inlets to be crossed. A proposed improvement near Highland Falls will when executed greatly strengthen the roadbed in that vicinity: this improvement, in the form of a tunnel about 2000 feet long, will eliminate bridges 55 and 56 and several curves, one of the curves being the maximum curve on the division, 9 degrees 44 minutes. The two bridges eliminated are practically parallel with the river and over deep water, over which it is impracticable to lay an embankment. The Albany branch could be improved by a more complete system of drainage, especially by the use of under-drainage. The Rockland branch is fairly well drained. The Wallkill Valley railroad is well drained and has good cuts and embankments.

There are 5 tunnels on the main line and none on the branches; their physical characteristics are: Haverstraw, 1609 ft. long, in rock; Fort Montgomery, 816 ft. long, in rock; West Point, 2668 ft. long, in rock; Newburgh, 458 ft. long; Kingston, 403 ft. long, in rock; all are apparently in good condition. The West Point tunnel is partly lined with metal, and the Newburgh tunnel is really a bridge carrying the Erie railroad overhead. Total length of tunnels 5954 feet, and all are double track. The West Point tunnel failed some years ago, and it then became necessary to partly line it with metal; some additional lining of the same kind has since been added, and at the time of this inspection was being extended southward about one hundred feet to better protect the line there against rock slips.

The steel and iron bridges are well maintained, showing that intelligent care is given to them; and this may also be said of all track openings on the division. A general overhauling of bridges and masonry was in progress on the Wallkill Valley railroad at the time of this inspection, upon completion of which the bridges of that line should be in good condition. The Albany branch bridges appear to be in good condition. There are no bridges on the Rockland Lake branch. There are two drawbridges on this division, located between Fort Montgomery and Iona Island stations; they are of the lifting or "jack-knife" design, each 48-ft. span; they have signal protection interlocked with the bridge lifting mechanism, so that the latter can not be worked until the signals are set in the danger or stop position. There are no wooden truss bridges in the main tracks of this division or its branches. The wooden bridges are those carrying overhead highway and farm crossings; these apparently are in good condition, and where less than 21 ft. clearance above the rails are provided with warning guards. The timber trestles of the main line are 1 near Marlborough 365 ft. long, 1 south of Fort Montgomery 500 ft. long, 1 north of Iona Island 600 ft. long, and 1 south of Iona Island 1700 ft. long; all 4 are of pile bent construction and in good condition. Those on the Wallkill Valley railroad are 1 of 10 bents forming the flood opening of the bridge over the Wallkill river, 1 of 5 bents, and 8 of 3 bents: undercrossings, waterways, and cattle-passes. There are no trestles on the Albany and Rockland Lake branches. There are no open culverts or cattle-passes on the main line or Albany branch; 14 on the Wallkill Valley railroad, of various designs: timber stringers, I-beam stringers, and rail stringers. The masonry on the Wallkill Valley railroad is undergoing repairs and semer, 36-in., 4-hole angle splices; the rail is in fair shape on all lines. All arch and pipe culverts appear in good condition and free of obstruction to the passage of water.

The main line and branches are laid with 6 x 8 in., 8 ft. long cross-ties. Ties are laid 18 per 30-ft. rail, or 3168 to the mile, on the main line, and 16 per 30-ft. rail, or 2816 to the mile, on branch lines. Tie-plates are freely used on curves and double spiking where needed. The main line is laid with 80-lb. Bessemer rail, with 36-in., 6-hole angle splices; the Albany branch with 5 miles of 80-lb. Bessemer rail, and 6.55 miles of 67-lb. Bessemer rail,

all with 36-in., 6-hole angle splices; the Rockland branch with 67-lb. Bessemer rail, 36-in., 4-hole splices; and the Wallkill Valley railroad with 67-lb. Bessemer, 36-in., 4-hole angle splices; the rail is in fair shape on all lines. All main-track switches are split point and stands are provided with switch lights. Switches with a short view on approaching them have distant signals, and main line switches in the territory governed by automatic block signals are interlocked with these signals. The main-track frogs are spring rail. Derail switches are used to protect main track where needed.

On the main line 87.87 miles track No. 1 and 86.77 track No. 2 ballasted with stone, 0.2 mile of track No. 1 and 0.3 mile of track No. 2 ballasted with gravel, and 23.1 miles of track No. 1 and 24.1 miles of track No. 2 with cinders; Albany branch, 6.6 miles of gravel and 4.4 miles of cinders; Rockland Lake branch, gravel and cinders; Wallkill Valley railroad, 12.03 miles stone, 17.55 miles gravel, and 3.3 miles cinders. The alignment, surfacing, and elevation of the outer rail are good on all lines. On the main line the average length of sections is 3.63 miles, average force 4.8 in winter and 7.67 in summer; Albany branch, average length 5.26, average force 3 in winter and 4 in summer; Rockland Lake branch, 1.17 average length, average force part of main line section; Wallkill Valley railroad, average length 5.46, and average force 3 in winter and 4 in summer. The track is patrolled daily by men from the section gangs; and in addition a large force is engaged in patrolling track on the lookout for slipping and loose rock, and 4 gangs are engaged constantly in removing such rocks. All are provided with facilities for signaling trains to stop.

The main line is crossed at Kingston by 2 main tracks of the Ulster and Delaware railroad, interlocking protection; and by 1 track of the Kingston Consolidated railroad (electric), without derails or trolley protection; the railroad company maintains a watchman at the crossing who operates street gates: if gates are up, the electric cars proceed without stopping. This is a dangerous crossing and some means of protecting it should be installed at once.

Interlocking plants govern the movements of trains at various points.

The right of way is in as good condition as can be expected of land about one-half of which is located on steep mountain sides. The highway crossings are well graded on their approaches and are provided with crossing-signs and cattle-guards. These crossings are protected as follows: main line, 12 with flagmen, 20 flagmen and gates, 25 electric bells, and 42 unprotected; Wallkill Valley railroad, 2 flagmen and gates, 4 electric bells, and 40 unprotected; Rockland Lake branch, 3 unprotected; Albany branch, 6 unprotected.

The block system used is: Tappan to West Haverstraw, 14.2 miles, electric automatic, normal clear; West Haverstraw to Newburgh, 24.5 miles, electric automatic, normal danger; Newburgh to Ravena, telegraph block; Wallkill Valley railroad and Albany branch, telegraph block; no block signaling on Rockland Lake branch, which is but 1.17 miles long and it would seem does not require block signals.

The stations are generally in fair repair. Those on the Wallkill Valley railroad however are not as a rule in as good condition as those of the main line.

Repairs and improvements noted: cross-ties renewed, main line, 10.3 per cent.; Wallkill Valley railroad, 8.5 per cent, Rockland Lake branch, 12.5 per cent; and Albany branch, 8 per cent. New rail laid, main line, 4.86 miles 80-lb. Bessemer, replacing same amount 80-lb. Bessemer; ballast on main line, 37.3 miles stone and 3.2 miles cinders; on Wallkill Valley railroad, 0.4 mile cinders; on Albany branch, 0.2 mile cinders; 4 stone box culverts replaced on main line; 4 open culverts extensively repaired on main line; 3 buildings rebuilt on main line; 4 stations and other buildings extensively repaired on main line, and 1 on Wallkill Valley railroad; 15 miles of new and rebuilt fence on main line, and 13.5 miles extensively repaired. Among the miscellaneous improvements are: 186 ft. concrete lining in south end of West Point tunnel; new engine house at Newburgh; new retaining wall 145 ft. long at Saugerties; automatic electric block signals, normal danger, being

installed Newburgh to Kingston. Roadbed improvements main line, 29,864 cubic yards riprap placed along Hudson river. On the main line, new deck on bridge No. 54; bridge No. 65, wooden Howe truss carrying overhead roadway, rebuilt. On the Wallkill Valley railroad, new sidings built at New Paltz, Gardiner, Springtown, Walden, and Wallkill.

It is a source of pleasure to note the excellent work being done on this division, both from a maintenance and operating standpoint. "Team work" seems to be the principle under which it is done.

Recommendations: That under-drainage be resorted to more freely, especially on the Wallkill Valley railroad and the Albany branch; that some better means of protecting the street railway grade crossing just east of Kingston station be installed at once.

The recommendations of last year seem to have been carried out.

Mohawk Division.

Inspected September 7–10, 1909. Last previous inspection August 29–31, September 1–4, 1908.

The cuts and embankments of main line are of well developed cross-section. The Mohawk river, where it runs alongside the roadbed of the main line, is constantly encroaching and requires close and expensive attention. East of Cohoes, on the Troy and Schenectady railroad, a wooden pile retaining wall supports the track. On the Mohawk and Malone railroad and the Raquette Lake railroad, the side-hill slopes contain numerous boulders which call for and apparently receive close attention, and it appears are removed before they become dangerous. Some parts of the West Shore railroad lie in clay and quicksand formation, requiring pile retaining walls to keep the slopes from encroaching on the tracks; south from Utica there are a number of places where the West Shore railroad passes through rock cuts of considerable depth and alongside high side-hill cuts, an example being on mile 186, south of Downing. Generally speaking, the roadbed is in good condition, but it is believed that it could be further improved in many places and its efficiency improved by a well arranged system of under-drainage.

The metal bridges and their masonry are generally in good condition, an exception being in the painting of bridges, many of which are in need of paint. A large number of the riveted trusses should be cleared of cinders and other debris which have accumulated in the various pockets formed around the joints of principal connections of the bottom chords; riveted trusses have of necessity many pockets and angles in which engine cinders accumulate, and such cinders, with the aid of moisture, when in contact with steel, aid greatly in its rusting. Such bridges should be cleaned up at least once in three months. West Shore railroad bridge No. 213, deck lattice truss, on mile 147, is a type of bridge now almost obsolete; its track stringers are 4, 10-in. I-beams, giving what appears to be an overstrained track support. It is here suggested that a strain sheet of this structure be made, based on the heaviest engine and car loading of the New York Central lines, in order to determine precisely whether the above inference is an actual fact. The wooden bridges are confined to overhead highway and farm crossings; those that do not clear the track 21 ft. are provided with warning guards. There are 2 timber trestles, one about 165 ft. long on the Mohawk and Malone railroad near Freeport Junction, and the other on the Hinckley branch near Hinckley, about 500 ft. long, partly on curve; both are in fair condition. All open culverts and cattle-passes are in fair condition, except 5 on the Raquette Lake railroad which need overhauling. All arch, box, and pipe culverts are in fair condition, except those of the Raquette Lake railroad which should be replaced. The waterways of all are free of obstruction.

The cross-ties in the main line are hardly up to the best New York Central practice. Under the 100-lb. rail of the main line they are laid 3200 to the mile; on the Tivoli Hollow branch, 2435 to the mile; and on all other lines 2816 per mile. They are generally well spaced and spiked, and tie-plates are freely used on curves; double spiking is resorted to where necessary. The rail is in fair condition on all lines, except on the Raquette Lake railroad; but on the lines other than the main line and West Shore railroad the weight

of rail will soon have to be increased if the present tendency toward the use of heavier power continues. On the Raquette Lake railroad the rail should be renewed before next summer's business begins. All main-track switches are split point, and switch stands are provided with targets and lights. The main-track switches of the Troy and Greenbush and Troy Union are generally operated by interlocking, and where not so operated are electrically controlled from the nearest signal tower. Where the view approaching outlying main-track switches is obscured, these switches are provided with distant signals or high switch targets. Main-track frogs are generally spring rail. Derailing switches are freely used to protect main track where the connections are descending toward main tracks.

All tracks appear to have a sufficient quantity of ballast. The ballasting of some parts of the Mohawk division is a model. The alignment and surfacing of all lines are fair, that of the side lines in some instances being superior to the main line; and the north end of the Mohawk and Malone railroad is exceptionally good. Each track section is patrolled daily by a member of its section gang. On the West Shore, in addition to the track-walkers, a force is employed at all times taking down loose rocks from the steep hillside. On the Mohawk and Malone railroad a large fire patrol force is kept constantly moving over that part of the line in the mountains on velocipede cars, and tank cars filled with water and provided with pumps are kept ready for quick movement as may be required. Each section gang and track-walker is furnished with appliances for signaling trains to stop.

There have been no important changes in the grade crossings of this division since the last annual report.

There are 49 interlocking plants on the main line and 19 on the West Shore railroad.

The right of way generally is in good condition, free of underbrush and trees. Through the mountainous country it is not always possible to keep it as smooth looking as in the more open country. The highway crossings are well graded on their approaches and the planking in fair condition; they are provided with crossing-signs and cattle-guards and protected as follows: 24 by flagmen with gates, 75 by flagmen without gates, 13 by electric bells, and 217 unprotected.

On the main line, and that part of the West Shore railroad between South Schenectady and Eastwood, the Sykes Lock and Block System is used, and balance of West Shore, electric automatic; the Troy and Greenbush and the Troy Union, electric automatic; Troy and Schenectady and the Mohawk and Malone, telegraphic block; on the other lines, the small branches, train orders and the time interval.

The stations on this division are generally in good condition, and the "housekeeping" of those of the Mohawk and Malone railroad are so good as to deserve special mention: their fine condition in this respect reflects great credit upon the officer in charge or upon their respective agents.

Repairs and improvements noted: tie renewals, in per cent: main line 9, Troy and Greenbush 7, Troy and Schenectady 6, Tivoli Hollow 0, West Shore railroad 8, Mohawk and Malone 7, Hinckley branch 5, Saranac Lake 6, Raquette Lake 5, St. Lawrence and Adirondack 4; new rail laid, in miles: main line 20.19, 100-lb.; Troy and Greenbush 4, 80-lb.; Mohawk and Malone 14.73, 80 lb.; re-layer rail laid, Saranac Lake, 3 miles; new and rebuilt fence: 6.7 miles on main line, 5.1 on West Shore, 5 on Mohawk and Malone; fences repaired: 4.9 miles on main line, 1 on Troy and Schenectady, 10.2 on West Shore, 3.6 on Mohawk and Malone, 1 on St. Lawrence and Adirondack; 26 station buildings, etc., on main line painted, 1 on Troy and Greenbush, 3 on West Shore, 1 on Mohawk and Malone, 2 on Raquette Lake, 2 on St. Lawrence and Adirondack; bridges painted: main line 23, Troy and Schenectady 8, West Shore 16, Mohawk and Malone 31, St. Lawrence and Adirondack 2; trestles rebuilt: St. Lawrence and Adirondack 1; arch and stone box culverts replaced: main line 7, West Shore 16, Mohawk and Malone 24, Raquette Lake 8; bridges having masonry rebuilt or repaired: main line 12, Troy and Schenectady 1, West Shore 3, Mohawk and Malone 9; stations new and rebuilt:

main line 1, Mohawk and Malone 1; other than station buildings new and rebuilt: main line 12, West Shore 8, Mohawk and Malone 9, Raquette Lake 1, St. Lawrence and Adirondack 3; station and other buildings extensively repaired: main line 13, Troy and Greenbush 1, West Shore 7, Mohawk and Malone 1, Saranac Lake 1, Raquette Lake 1, St. Lawrence and Adirondack 1; yard and passing track extensions: main line, track in Dock Street yard completed; West Shore, Little Falls passing siding extended; Mohawk and Malone, Clear Water passing siding extended; and Malone, new siding for Rutland railroad interchange built. Special improvements: West Albany, new boiler shop completed, new machine and blacksmith shop begun; Cranes Village, changes in alignment at west end completed; Cohoes, concrete arch at Columbia street completed; South Bethlehem, track work on new siding begun; Indian Castle, work on new siding begun; Voorheesville, Fultonville, Canajoharie, Indian Castle, new 10-in. water cranes installed at each; Oneida Castle, bridge No. W-391, over Clockville road, new abutments being constructed for a bridge spanning entire width of street; Lake Clear Junction, new passenger station about completed and old passenger station being remodeled into a freight station; automatic signals being installed Yousts to Utica, tracks 1 and 2, including 33 signal bridges under erection.

Recommendations: That under-drainage be resorted to more freely; that the needed bridge painting be done and riveted bridges be cleared of cinders, etc.; that the 5 open culverts on the Raquette Lake railroad be overhauled; that the wooden box culverts on the Raquette Lake railroad be renewed; that the rail on the Raquette Lake railroad be generally renewed. The recommendations of last year seem to have been carried out.

Pennsylvania Division.

Inspected September 25, 1909. Last previous inspection October 21, 22, 1908.

Main line, Lawrenceville to Lyons, 86.1 miles first track, 72.5 miles second track, 82.17 miles yards and sidings; Penn Yan branch, Dresden to Penn Yan, 6.55 miles single track and 4.07 miles yards and sidings. Maximum curve on main line is 10 degrees, north of Conway; on Penn Yan branch, 19 degrees, south of Keuka Mills. Maximum grade on main line 1.31 per cent, 3275 ft. long, north of Himrods; Penn Yan branch, 2.34 per cent, 1805 ft. long, south of Dresden. The main line has considerable curvature and grade, both fairly heavy, and the Penn Yan branch has heavy grades and curves.

The cuts and embankments are generally of full cross-section and the surface drainage fair; some cuts are under-drained and more, if so drained, would give good results.

The steel and iron bridges in main line are in good condition except that a number of them need painting. The one at Penn Yan, Penn Yan branch, is in good condition. The wooden bridges carry overhead highways and farm crossings. The main line overhead road crossing bridges all clear 21 ft. above the rails. The 4 overhead wooden road bridges on Penn Yan branch do not clear the rails 21 ft., but are provided with warning guards. There are 2 steel railroad crossing bridges that do not clear the rail 21 ft.: the West Shore railroad crossing near Lyons, and the Delaware, Lackawanna and Western crossing at Corning. There are no timber trestles in the main line, but there is one of 13 bents on pile foundations at Penn Yan on the Penn Yan branch; it is in good condition. All arch, box, and pipe culverts are apparently in good condition and free of obstruction to the passage of water.

The condition of the cross-ties is rather below the standard, but they are well spiked. Tie-plates are used freely on curves, and double spiking resorted to where necessary. Ties are laid 16 per 30-ft. rail, or 2816 to the mile. On the main line, 136.57 miles are laid with 80-lb. rail, 36-in., 6-hole angle splices, 3.34 miles 76-lb. and 17.88 miles 75-lb. rail, 40-in., 6-hole angle splices, and 0.81 mile 60-lb. rail, 24-in. 4-hole angle splices. On the Penn Yan branch, 0.89 mile 80-lb. rail, 36-in., 6-hole angle splices, 5.3 miles 75-lb. rail, 40-in., 6-hole angle splices, and 0.36 mile 60-lb. rail, 24-in., 4-hole splices. The 60-lb. rail is laid in yards, generally where slow movements are made: all other main-track rail appears to be heavy enough for the traffic, and is fully bolted. The main-track switches are split point and the switch stands are provided with lights. Some

have high targets, and where the view approaching them is obscured distant signals are provided. Nearly all the main-track frogs are spring rail. Derailing switches are placed in the sidings connecting with the main track where necessary.

The ballast is gravel, in fair quantity. The alignment and surfacing of tracks are generally fair. On the main line the average length of sections is 3.14 miles, and average force 5 in winter and 7 in summer; on the Penn Yan branch, average length 4 miles, average force 5 in winter and 7 in summer.

There is no change in grade crossings of railroads since last report.

The interlocking plants are: 1 near Lyons, where a branch track crosses the main line; 1 in Corning yard protecting single track (gauntlet) over river bridge; 1 at the Erie–Fall Brook crossing, Corning.

The right of way is in good condition and free of underbrush, except such underbrush as is left for protection along water front. Fences are generally fair, excepting some on the Penn Yan branch which are in poor condition. The highway crossings have fairly well graded approaches, and the planking is generally in good condition: crossing-signs and cattle-guards are provided. The highway grade crossings are protected as follows: main line, flagmen without gates 8, flagmen with gates 1, electric bells 3, unprotected 75; Penn Yan branch, flagmen without gates 1, unprotected 14.

The block principle of operation is in use and carried out by means of the telegraphic system.

Station buildings and platforms are in good repair and interior of buildings neat. Drinking water and fire extinguishers and closet facilities are provided.

Repairs and improvements noted: Ties renewed, main line 6 per cent; Penn Yan branch 5 per cent; new rail laid, main line 10 miles 80-lb., replacing 75- and 80-lb. rail; ballast, main line 17 miles gravel and 5 miles cinders; 1 trestle rebuilt on main line; 1 span bridge replaced; 1 station rebuilt on the Penn Yan branch; 3 buildings rebuilt on the main line; 22 stations and other buildings re-painted on the main line and 1 on the Penn Yan branch; 6 bridges re-painted on the main line; 2.1 miles of new and rebuilt fence, and 4 miles extensively repaired; at Billsborough, new middle siding built, length 4459 ft., capacity 90 cars; at Corning, new yard and engine house under construction.

Recommendations: That under-drainage be resorted to more freely; that the fences on the Penn Yan branch be put in better condition.

The recommendations of last year seem to have been carried out.

Western Division.

Inspected September 20–24, 1909. Last previous inspection September 28–30, October 1–3, 1908.

The cuts, embankments, ditches, and roadbed generally are well developed and surface drained. With the improvements which are being made almost continuously, there is good reason for believing that the condition of the roadbed is being bettered from year to year, although under-drainage in many localities would tend to increase its efficiency. The Lewiston branch, located in the Niagara Falls gorge, is subjected to rock slips. Last year's report is not concurred in, that the line should be abandoned owing to the chances of accident from these rock slips. With proper policing, which it is understood is practiced, there should be little danger in the operation of this line; certainly not more than attends ordinary sight-seeing in and around Niagara Falls and gorge. The Buffalo Belt Line is still under construction, upon the completion of which the elimination of 20 or more street grade crossings will be accomplished. There is a tunnel on the Chenango branch, near Cazenovia, 1635 ft. long, through soft rock and timbered for most of its length, balance lined with stone and brick walls.

The steel and iron bridges are generally in good condition. There are no wooden bridges in main tracks. A large number of the overhead highway and farm crossing bridges are of wood and these are in fair condition, and where of less than 21 ft. clearance are provided with warning guards. The timber trestles are in fair condition; there is 1 on the Canandaigua and

Niagara Falls branch, 3 on West Shore main line, and a number on the Chenango branch. The open culverts and cattle-passes are in good condition on all lines, and where possible are being eliminated and replaced by solid floor structures or iron pipe. The arch, box, and pipe culverts are apparently in good order and free of obstructions to the passage of water.

The cross-ties in the main line are not in a condition equivalent to the best New York Central practice. Under the 100-lb. steel the ties are laid 20 per 33-ft. rail, or 3200 to the mile, and on other lines 16 per 30-ft. rail, or 2816 per mile, and on all lines are in fair condition. Tie-plates are used on curves and double spiking resorted to where necessary. The rail generally is in fair condition and its up-keep well in hand. The new track through Syracuse city streets of open hearth, 141 lbs. per yard, girder rail, fastened by 32-in., 12-hole splices, is a fine piece of work, and might well serve as a model for other work of this nature. Switches are of the split point type and the switch stands are provided with lamps. Spring rail frogs are used wholly in the main tracks of the main line and very generally in the main tracks of the other lines. Derailing switches and distant signals are used where necessary.

All lines appear to have a fair quantity of ballast. The alignment and surface of the main tracks of the main line, the West Shore railroad, and Buffalo and Niagara Falls branch are fair, but that of the other lines is not so good. On the Lewiston branch 3 regular slope watchmen are employed, and force increased in times of storm, extreme cold weather, etc. Each track section is patrolled daily by a member of the section gang, and all gangs, track-walkers, and watchmen, are provided with appliances for signaling trains to stop.

There has been no important change in the grade crossings of railroads as given in the report of 1908. The railroad grade crossing of the main line and Attica branch of the Erie at Batavia will be made the subject of a special report.

There are 94 interlocking plants on the various lines.

The right of way is in good condition. Fences are of wire and maintained where it is possible to keep them, that is on other than steep slopes.

Highway crossings are properly graded and planked, and provided with crossing-signs and cattle-guards. Highway grade crossings are protected as follows: 150 flagmen without gates; 75 flagmen with gates; 27 electric bells; 279 unprotected.

The block principle of spacing trains is practiced on all lines.

The station buildings and those connected therewith are generally in good condition, provided with toilet facilities, drinking water, fire extinguishing apparatus, etc.

Repairs and improvements noted: main line, 12 per cent cross-ties renewed; 14.75 miles stone and 73.8 miles gravel ballast; 9.78 miles new and rebuilt fence, and 27 miles repaired; 54.8 miles 100-lb., 6.62 miles 80-lb., 17.29 miles re-layer 80-lb. rail laid, and 2.62 miles of 141-lb. open hearth steel laid in the main tracks through the streets of Syracuse; 2 I-beam and plate, 1 through lattice, 6 signal bridges erected; masonry rebuilt and repaired on 2 bridges; 2 new and rebuilt station buildings and 12 other buildings; 4 station and other buildings extensively repaired; 91 buildings and 36 bridges re-painted. West Shore railroad, 13 per cent cross-ties renewed; 78.75 miles gravel ballast; 9.42 miles new and rebuilt fence, and 26 miles repaired; 12.25 miles 80-lb. rail laid; 1 rail floor, 1 I-beam, 4 through girder bridges erected, replacing a deck plate girder and 3 wooden trusses; 2 timber trestles replaced; 19 culverts and cattle-passes rebuilt; 5 arch and stone box culverts rebuilt; masonry rebuilt and repaired on 6 bridges; 4 new or rebuilt buildings; 6 bridges re-painted; 1.5 miles siding constructed at Jordan, 1 mile at Chili Center, and 7 miles at East Buffalo; grade revised of 45 miles of double track, and weight of rail increased from 67 lbs. to 80 lbs.; grade crossing at Bailey avenue and Broadway, Buffalo, eliminated and overhead crossing substituted. Attica branch, 18 per cent cross-ties renewed; 1.5 miles gravel ballast; 0.12 mile new fence. Batavia and Tonawanda branch, 5 per cent cross-ties renewed; 0.6 mile new fence and 0.5 mile repaired. Buffalo and Niagara Falls branch, 8 per cent cross-ties renewed; 2 miles fence repaired; 2.82 miles 80-lb. rail laid; 3 new or rebuilt buildings; 1 bridge re-painted. Buffalo Belt Line, grade

crossings being eliminated and entire line under reconstruction. Canandaigua and Batavia branch, 5 per cent cross-ties renewed.. Lewiston branch, 5 per cent cross-ties renewed; 1 culvert rebuilt. Rochester and Niagara Falls branch, 8 per cent cross-ties renewed. Tonawanda and Lockport branch, 5 per cent cross-ties renewed; 3 miles fence repaired; 0.82 mile 80-lb. rail laid. Syracuse Junction branch, 13 per cent cross-ties renewed; 2 miles cinder ballast; 2.06 miles new fence and 5 miles repaired; 2 miles 80-lb. rail laid. Auburn branch, 10 per cent cross-ties renewed. Chenango branch, 12 per cent cross-ties renewed; 8 miles cinder ballast; 2.51 miles new fence and 12 miles repaired; 0.82 mile 67-lb. rail laid; 1 timber trestle rebuilt and 2 replaced; 1 bridge re-painted. Terminal railroad, 10 per cent cross-ties renewed.

Recommendations: That under-drainage be resorted to more freely.

The recommendations of last year seem to have been carried out.

Rome, Watertown and Ogdensburg Division.

Inspected September 30, October 1, 2, 1909. Last previous inspection September 14–20, 1908.

The main line extends from Suspension Bridge to Pulaski, 175.26 miles first track, 3.47 miles second track, 68.67 miles sidings and yard tracks; and from Syracuse to Massena Springs, 160.95 miles first track, 11.69 miles second track, 90.46 miles sidings and yard tracks; Rochester branch, Windsor Beach to Rochester, 7.3 miles main track and 2.66 miles sidings and yard tracks; Phœnix branch, Woodard to Fulton, 17.1 miles first track, 0.21 mile second track, 3.5 miles sidings and yard tracks; Rome branch, Richland to Rome, 41.28 miles main track and 18.03 miles sidings and yard track; Cape Vincent branch, Watertown Junction to Cape Vincent, 24.1 miles main track and 21.51 miles sidings and yard tracks; Carthage, Watertown and Sackets Harbor branch, Sackets Harbor to Carthage, 29.15 miles main track and 11.02 miles sidings and yard tracks; Carthage and Adirondack railroad, Carthage to Newton Falls, 45.86 miles main track and 18.5 miles sidings and yard tracks; DeKalb branch, DeKalb Junction to Ogdensburg, 18.89 miles main track and 2.29 miles sidings and yard tracks; Gouverneur and Oswegatchie railroad, Gouverneur Junction to Edwards, 13.7 miles main track and 3.58 miles sidings and yard tracks; Utica and Black River railroad, Utica to Ogdensburg, 137.27 miles first track, 10.02 miles second track, 49.37 miles sidings and yard tracks; Clayton branch, Rivergate to Clayton, 15.85 miles main track and 4.07 miles sidings and yard tracks.

The cuts and embankments are of good section and the surface ditching generally fair. Some under-drainage has been installed and much more in that line could be done to advantage. There are no tunnels on this division unless the overhead bridge at Oswego carrying a street be called a tunnel; it is in good condition.

The condition of the steel and iron bridges is generally good except a number that need painting and a few here and there needing partial tie renewals. The increased weight of motive power has generally been met by replacing with heavier structures any that heretofore were light, and all new structures are designed to carry heavy power. The up-keep of these structures is good. There are 4 drawbridges: 1 in main line over Erie canal, Syracuse; 1 in main line over Oneida river, Brewerton; 1 in Cape Vincent branch, Chaumont; and 1 in main line, Charlotte; all provided with interlocking. The only wooden bridges are those carrying overhead highway and farm crossings, and these if less than 21-ft. clearance are provided with warning guards.

In addition to the overhead bridge obstructions, there are a number of places where obstructions in the form of telephone and telegraph wires do not clear the tracks 21 ft.; all these should be raised to clear the standard distance, if it is intended to continue in force the regulation requiring all overhead structures to have a certain clearance. Apropos of clearances, it may be said that since the general introduction of the air brake on freight cars it is seldom that men ride "on top" except when engaged in switching, and switching is only done at stations and in yards and at comparatively low speeds. There should however be some regulations adopted relative to crossing of railroad lines by overhead structures such as high tension power

wires, etc., and plans and specifications of such wire crossings should be approved by the Commission before permission is given for their erection.

The timber trestles are in good repair, except here and there a few ties need renewing. The open culverts and cattle-passes on the main line are generally in good condition, while on the side lines many have poor masonry; where the masonry is poor it is generally secured by strutting and the timbers supported by timber bents. The arch, box, and pipe culverts are in good condition and free from obstruction to the passage of water.

The cross-ties in the main line, Rochester branch, Phœnix branch, Utica and Black River railroad, and Clayton branch are in good condition, and on the other lines fair. The rail is in fair condition and well fastened. The use of heavier power is bringing about a corresponding increase in the weight of rail as renewals are made. All main-track switches are split point and main-track switch stands are provided with lights, and where the view approaching them is obscured with high targets and in some cases distant signals. The main-track frogs are generally spring rail. All frog and switch work in good condition.

All the lines are ballasted with a fair quality and quantity of material, but on most of them the efficiency of the ballast would be much increased by a better system of drainage. The alignment and surfacing is fair and perhaps as good as it can be kept in the absence of a more thorough system of drainage. Each track section is patrolled daily by a member of its section gang, and each gang and track-walker is furnished with appliances for signaling trains to stop.

There have been no important changes in the railroad grade crossings since last annual report.

The interlocking plants are 5 in number, and govern the train movements over Erie canal drawbridge at Syracuse, Oneida River drawbridge at Brewerton, the drawbridge at Chaumont, the drawbridge at Charlotte, and the railroad crossing at Salina; all appear to be in good working condition.

The right of way is in fair condition on all lines. The approaches to the highway crossings are well graded and the planking in fair condition; all are provided with crossing-signs and cattle-guards; they are protected as follows: 60 flagmen without gates, 6 flagmen with gates, 25 electric bells, 661 unprotected.

The block principle of train operation is effective on all lines; generally speaking, positive blocking is practiced, but where a train enters a block occupied by another train it is given notice to the effect that block is not clear and instructed to govern itself accordingly. On heavy down grades the positive block is practiced at all times. The telegraphic block system is the one used.

The waiting rooms of stations are generally neat and the station buildings are maintained in good condition. Fire apparatus, drinking water, and toilet facilities are provided.

Repairs and improvements rated are: main line Pulaski to Suspension Bridge, 8.5 miles cinders ballast; main line Syracuse to Massena Springs, 0.8 mile stone, 8 miles gravel, 10 miles cinders; Rochester branch, 0.5 mile cinders; Phœnix branch, 0.3 mile cinders; Carthage and Adirondack railroad, 3 miles gravel, 10 miles cinders; DeKalb branch, 1.5 miles cinders; Gouverneur and Oswegatchie railroad, 1 mile cinders; Utica and Black River railroad, 3.2 miles gravel; Clayton branch, 4.1 miles gravel. Bridges replaced: main line Syracuse to Massena Springs, deck plate girder and through plate girder (solid floor), replacing through lattice truss and through plate girder; Cape Vincent branch, deck plate girder and rail floors, replacing wooden stringers; Utica and Black River railroad, 22 rail floors, replacing wood stringers.

Recommendations: That under-drainage be resorted to more freely; that ties be renewed on all bridges requiring it, generally only partial renewals are needed; that the masonry on open culverts be repaired.

The recommendations of last year seem to have been carried out.

All Lines, Maintenance.

The question of whether the physical condition of the track and structures in connection therewith has been kept to the standard of former years, and especially the preceding year, is one rather hard to answer, even after a careful study of the expenditures for maintenance and a physical examination of the line, because so many elements of almost indeterminate character enter the problem. The fact that a smaller grand total was spent this year than last proves but little so far as maintenance for safety and operation is concerned. The items of ballast, ties, rails, other track material, roadway and track, tunnels, bridges and other openings in the track, are the principal ones upon which the safe operation of the line depends. The total of these items for 1909 is about 6.98 per cent less than for 1908; but on the other hand, that of rail alone for 909 — and rail must always be given the place of first importance in track — is 58.2 per cent greater than for 1908. Ballast in 1909 fell off 30.8 per cent and ties 5.64 per cent. The heavy falling off in ballast is a feature open to comment, and the deficiency should be made up as soon as possible. The matter of improved drainage, so frequently alluded to in this report, is one upon which too much stress can not be laid; the life of track is almost wholly dependent upon it, for without it there is no fixed stability of track, and much of the expenditure in aligning, surfacing, gauging, and sloping, is wasted.

"The action and effects of water although daily exhibited may be briefly recapitulated: water running on the surface dissolves and washes the earth, soaking the roadbed, and choking the ditches. When soaked, the roadbed loses its firmness and the ballast sinks irregularly. This displaces the track, thus increasing the resistance and adding greatly to the wear and tear of both track and machinery. Where the ballast sinks, many of the cross-ties will be left clear and hanging by the rail. These, on the passage of a train, deflect deeply, thus opposing a heavy grade against the wheels. This is proved by the oozing of mud from under the ends of the cross-ties in wet weather, and the dissipation of clouds of dust in dry season. Water standing in contiguity to earth work is equally injurious. No matter what may be the height of an embankment of loam, sand, or clay, water, if in reach of it, will rise to the top, being carried by absorption, and will produce all the effects just stated. Water not only destroys the cohesion of the material of the roadbed, but swells its bulk. It is sure to displace the best laid track."— A. L. Holley, *American and European Railway Practice.*

"The history of all failures of earthworks shows the disasters consequent upon inadequate drainage," and it might be added, a large part of the continual heavy expense of maintenance of track can be traced directly to the same source. To the thorough drainage of the foreign railroads, and especially the English, is due their economy in maintenance of track, equipment, and engine fuel. Much of the water which proves troublesome to track is not surface water, but rather the underground water which works its way to the surface. To intercept this water before it reaches the surface is the principal function of under-drainage.

The overhead railroad, highway, and farm crossings that do not clear the tracks 21 ft. require a survey for each, to determine even approximately the cost of raising them to clear.

All Lines, Operation.

The arrangement of the four track lines is not the best to give the highest operating efficiency, and this seems to be well understood by the New York Central operating staff and engineers; but it is a condition of long standing and one hard to overcome, owing to the growth and expansion of the plant based upon this method of operation. The four tracks are numbered 1, 2, 3, and 4 beginning at the right, looking east; No. 1 is the eastbound passenger track, No. 2 the westbound passenger track, No. 3 the westbound freight track, and No. 4 the eastbound freight track.

In order to make the greatest use of a four track line, its tracks should be so "hooked-up" that a train could be run around or passed by another in

the same direction without stopping either of them and without interfering with the movement of trains in the opposite direction. The four track arrangement of the New York Central does not admit of this. Take the case of an eastbound passenger train on track No. 1 out of Utica: if such a train were to be passed by another train, it would have to take siding, or if kept moving, would have to cross two westbound tracks, Nos. 2 and 3, one a passenger and the other a freight, in order to reach an eastbound track, but in crossing it would be subject to delays by approaching trains on tracks 2 and 3. Westbound the situation in this respect is better, as numbers 2 and 3, adjacent tracks, are in the same direction and can be used interchangeably without interfering with the movement in the opposite direction.

On a four track line operated so as to get the greatest movement out of it, numbers 1 and 2, adjacent tracks, would be eastbound, and numbers 3 and 4 westbound. This arrangement enables a train on either number 1 or 2 to be passed by a train in the same direction, by switching it to the other track, and generally without stopping either of them and always without opposing movements in the opposite direction.

By the New York Central system of four track operation, sidings are necessary to enable trains in the same direction to pass each other, just as though the line were simply a double track line; and as now operated, it is really two double track roads lying side by side.

If changed as outlined above, it would be possible to handle a greater maximum volume of business than under the present arrangements: how much greater it would be impossible to say without a careful analysis of the train sheets, etc., over extended periods of heavy business.

The cost of such a change of tracks would be heavy, and whether it would be a paying investment would have to be determined by a careful estimate of the cost of rearranging the cross-overs and other track facilities, and their signaling, as well as the block signals and station facilities, and then balancing that cost against the advantages above noted. It should be noted here that the present method of operating the four track line is safe, and nothing in that respect would be gained by a change as outlined.

Railroad operation generally may be compared to a game of chess, but it would seem that the engineers of the New York Central have simplified matters so much in the arrangement of facilities as to resolve the situation to rather one of checkers.

These facilities are so great as to afford a rare chance for many combinations of routes and such as no other railroad system in the country affords. With the many lines over which traffic can be passed in and out of New York city, Buffalo, and Niagara Falls, it would be by a combination of almost unthinkable conditions only that a blockade could arise.

Taking the Niagara Falls gateway as an example, the main line, the lines to Rochester and Syracuse are available, and in great stress some assistance may be had from the Ontario division (Rome, Watertown and Ogdensburg). Of course, the three side lines may not be available for the heaviest power and high speed, but they appear to be in condition to take care of comparatively heavy power, heavy enough at least to haul fair sized trains, and which in times of congestion would relieve the main line.

Between Buffalo and Albany the four tracks of the main line are available as well as the tracks of the West Shore railroad, and east of Syracuse the main line is of course relieved of the heavy tonnage out of Buffalo for Syracuse and Rochester, and can therefore take better care of traffic that may be sent to the main line via the Rochester division. From Albany east the main line, West Shore railroad, and in stress the Harlem division via the Boston and Albany and Chatham, is available for business.

Terminal facilities, especially those of New York city, are generally inadequate, and in that degree negative the advantages of outside facilities; therefore, to relieve New York city and other large places by sending there only the number of cars needed for the business is a matter of great importance for the New York Central as well as all other lines, and it is believed that the energies of the operating staff could not be employed to better advantage than in watching car loading at the various points, and in the making of full

carload lots, of other than fast freight, at the various transfer points, and especially at the Buffalo and Niagara Falls gateway and at Albany. If the transfer facilities at these points are inadequate, they should be increased. It should be borne in mind that in times of heavy business the delay due to the transferring of freight is but a small proportion of that due to waiting for an entrance into a congested point; and again, the hauling of less than carload lots is more expensive, as the cost per ton of hauling increases inversely as the load.

The principles of the design of quick working freight transfer stations are well understood, and such stations equipped with any of the well known power appliances for handling freight make the delay incident to transferring very small indeed, at most but a fraction of the delay due to the crowding of cars into the various grand terminals.

The freight car record also plays an important part in the handling of cars, and any system of recording car movements and the delivery of their contents which does not at all times show who is personally responsible for the movement, or rather the non-movement, of the car and the delivery of its contents, is defective and ought to be abandoned.

A source of considerable delay to freight which should be watched most carefully is the disabling of cars under load, and this delay is liable to be greater per car on larger systems than on shorter ones, because of the tendency of the larger systems to not inspect so closely the cars received from their component lines. The only remedy for this is the strict application of the Master Car Builders inspection rules to all cars interchanged between the grand divisions of a system. This at first thought may seem onerous, but it would be done and be considered the right thing to do as a matter of safety were each grand division a separate railroad under a different management.

W. L. DERR,
Inspector of Steam Railroads.

NEW YORK, CHICAGO AND ST. LOUIS RAILROAD.

Inspected August 23, 1909. Last previous inspection October 10, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the New York, Chicago and St. Louis railroad and respectfully submit the following report:

The portion of the New York, Chicago and St. Louis railroad in the State of New York extends from a connection with the main line of the Erie railroad at Seneca Street, Buffalo, to the Pennsylvania-State Line west of Ripley, a distance of 68.22 miles, and has 7.84 miles of second main track and 33.12 miles of sidings and yard tracks. The general alignment is good and most curves light; there is one curve between the Tifft yard and Buffalo Junction of 5 degrees; the maximum, aside from that, is 3 degrees 30 minutes, located near Blasdell. The grades of the road are generally light and regular; the maximum is 53 ft. per mile, east from Lake View and ascending westward. The roadway is well graded and properly drained. From Buffalo Junction to Silver Creek, and from east of Dunkirk to Brocton, about half the length of the road, the track is constructed close alongside that of the Pennsylvania railroad, and on that portion of the road most of the structures are joined and the station buildings are used jointly.

The steel and iron bridges are all in good condition and generally well painted. The masonry is stone and concrete, also in good condition. The ties and guard timbers are of standard dimensions and well maintained. Inside guard-rails have been placed on all the long structures. There are no wooden bridges remaining in the roadway, and most bridges for overhead crossings of highways are of iron. All are properly maintained. There are no overhead obstructions of less than 20 ft. above the rail except in the city of Buffalo, where they can not well be changed, and all such are protected by warning signals in good condition. There are 7 timber trestles yet remaining in main line track; they are of standard construction and generally in good condition; Nos. 17–35 and 45 have ties needing renewal. There

are 25 open culverts and cattle-passes yet remaining that are constructed entirely of wood; the others have good masonry, I-beam and timber stringers. The ties and guard timbers are of standard dimensions and in good repair. The arch, box, and pipe culverts are properly maintained.

The standard dimensions of cross-ties are 6 x 8 in., 8 ft. in length, and they are laid at the rate of 2992 to the mile of track; about 70 per cent are oak, 20 per cent cedar, and 10 per cent chestnut; they are well spaced, full spiked, and the general condition good. 1.03 miles of main track is laid with 60-lb., 12.5 miles with 65-lb., and the remainder, 62.55 miles, with 75-lb. steel rail. The rails are connected by angle plates and continuous rail joints 22 in. in length with 4 bolts. The 60-lb. rail is somewhat worn; the remaining rail is in good condition. All the connections are full bolted and no loose bolts were observed. All main-track switches are split point and have automatic stands with well painted targets. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. The frogs are spring rail and well maintained. Derailing switches are in all sidings where their use appears necessary and have proper targets.

The road is ballasted with gravel and cinders in medium to fair quantity. The alignment and surfacing of the track are good and the outer rail on curves properly elevated for the speed at which trains are scheduled. The average length of track sections is 5.25 miles; the average force maintained on each consists of a foreman and 6 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the road are patrolled twice daily by some member of the section force.

One track of the Buffalo and Southwestern branch of the Erie railroad is crossed at grade by 2 freight tracks at East Buffalo: the crossing is protected by a tilting board signal, and all trains required to come to a full stop; 2 tracks of the Delaware, Lackawanna and Western railroad at Smith street, Buffalo: the crossing is protected by disc signals located on a tower, and all trains are required to come to a full stop; this is a dangerous crossing, being operated over by approximately 400 trains or engines during each 24 hours; your Commission has before it the question of its elimination, and this matter should not be delayed; there have been several serious accidents there within the past few years, and no matter how carefully operated there is a strong element of danger at this crossing; 2 tracks of the Buffalo Creek railroad are crossed at grade at South Buffalo: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop; 1 track of the Buffalo and Southwestern branch of the Erie railroad is crossed at Blasdell: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop; 1 track of the Allegheny division of the Erie railroad is crossed near Dunkirk; this crossing is protected by a tilting board signal, and all trains are required to come to a full stop; 1 track of the Dunkirk, Allegheny Valley and Pittsburgh railroad is crossed at Dunkirk: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop; 1 track of the Dunkirk and Fredonia electric railroad is crossed at Dunkirk: there is a derailing switch on one side of the crossing in the track of the electric railroad, but it is not in operation; there is a proper protection over the trolley wire. There are no interlocking plants maintained.

The right of way is free from trees, brush, and rubbish, and is fenced with wire and boards, generally in fair repair, but is not maintained on portions of the road where live stock is not kept. The highway crossings are properly graded, well planked, and protected by signs of the X form, suitably located and well painted. The cattle-guards are of the wooden slat pattern, and are lacking at some crossings; I do not however consider that they are really necessary, as live stock is not permitted to roam at large; grain fields along the highway are not fenced, and no stock to any extent is being driven along the traveled road; 16 highway grade crossings are protected by flagmen, 1 by flagman and gates, 2 by electric bells, and the remaining 69 by crossing-signs only.

The movements of trains are governed by the telegraphic train order system, positive block being maintained between stations.

The station buildings are in fair to good repair; they are clean and neat, and properly furnished. The platforms are of plank, gravel, and cinders and in good condition. Between Dunkirk and Buffalo the stations, except Angola, are owned by The Pennsylvania Railroad Company, and are used jointly. At Dunkirk and Angola the joint stations are the property of the New York, Chicago and St. Louis railroad. At Brocton the Lake Shore and Michigan Southern passenger station is used jointly. Westerly from Brocton the station buildings belong to the New York, Chicago and St. Louis railroad.

The road shows each year a better condition. Principal repairs and improvements noted as made from last inspection are as follows: About 5 per cent of the cross-ties have been renewed; 8.14 miles of new 75-lb. steel rail laid, replacing 65-lb. rail; 1 clay pipe culvert has been replaced with an iron pipe; 5 open culverts formerly of timber have been replaced with iron pipe and filling; one 18-in. iron pipe has been replaced with 30-in. pipe; bridge No. 9 at Idlewood has had masonry reinforced, and flood bridge No. 20 at Irving has had west abutment entirely renewed and pier heavily reinforced and is in first-class condition throughout; necessary repairs have been made to station buildings; 20 bridges have been re-painted; 3.14 miles of new wire fence have been erected, and 6 miles of fence extensively repaired.

Recommendations: That necessary renewal be made of the worn 60-lb. rail: that the elimination of the Smith Street crossing of the Delaware, Lackawanna and Western railroad in Buffalo be not delayed; and that necessary repairs be made to fences.

Referring to the recommendations contained in the report of last inspection. the worn rail has been generally replaced; no additional cattle-guards have been put in, nor do I consider their being put in would be of benefit.

J. D. SHULTZ,
Steam Railroad Inspector.

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD.

Inspected July 12 and 16, 1909. Last previous inspection October 29, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the lines of the New York, New Haven and Hartford railroad in the State of New York, Second District, and respectfully submit the following report:

The main line extends from the New York City-Mount Vernon line (242nd street, New York city) to the Connecticut-State line, 4 tracks 13.32 miles long. The Harlem River and Port Chester railroad (Harlem River branch) extends from New Rochelle Junction to the New York city line, Pelham Manor, 6 tracks 1.67 miles long. The Western division (New York and New England railroad) extends from Hopewell Junction, where it joins the Newburgh, Dutchess and Connecticut railroad, to the Connecticut-State line near Mill Plain station, 2 tracks 28.76 miles long. The general alignment of the main line is good, with maximum curve of 3 degrees 7 minutes, at Port Chester; and maximum grade of 30 ft. per mile, about 1.2 miles long, between Larchmont and New Rochelle. On the Harlem River branch the maximum curve is 1 degree 30 minutes, and maximum grade 31 ft. per mile, ½ mile long, both between Pelham Manor and Woodside. The roadbed of both main line and Harlem River branch are in good condition.

All bridges are of steel, track bridges of plate girder construction and of modern design and maintenance. The same may be said of all open culverts, cattle-passes, pipe culverts, etc. The 19 overhead highway bridges do not generally give the prescribed clearance, and in most instances it would be quite out of the question to raise them to the standard clearance on account of the surrounding local conditions. Taking Mount Vernon as an example, where 2 of these bridges do not clear and where there is a business street with an electric railway on it alongside of and parallel to the railroad, it would be difficult indeed to raise these bridges without practically putting

the street out of commission. But aside from such conditions as those just mentioned, the overhead electric construction of this line consisting of trusses for carrying the electric wires, and about 300 ft. apart, along the entire electric district, are at less than clearance distance above the tracks, and therefore the raising of a few overhead bridges would add little to the general overhead clearance of the line.

The standard tie is 7 x 8 in., 8 ft. long, and the tracks are well tied, spaced, and spiked. Tie-plates are being extensively used, and on curves ties are double spiked on the outside of the outside rail. Treated ties are being used to a considerable extent but have not been in use long enough to show their efficiency, as compared with untreated ties. It is claimed for treated ties (not particularly by the New Haven road, however) that they have a greater spike holding power than untreated ties, and that even inferior woods treated give a good account of themselves, and their spike holding power is as high as 85 per cent of the holding power of untreated white oak. If this be true, and indications strongly point that way, the use of the screw spike with its superior holding power, will admit of the use for ties of woods inferior to white oak and other high quality woods: a great advantage in view of the increasing scarcity of high grade woods.

The main line and branch tracks are laid with 100 lbs. per yard rail, 24-in., 4-hole splices, suspended joint; rail in good condition. An advance in track fastening is noted in the use of the screw spike, a detail which perhaps gives more than twice the holding power of the ordinary track spike. This form of spike has the advantage of holding the rail permanently more tightly to the ties, which not only makes a better carrying track but it reduces the stresses in the rail, *i. e.*, the base or lower flange of the rail. Split switches, automatic switch stands, and spring rail frogs are used in main tracks; switches are provided with switch lamps and switch stand targets are well painted. Derailing switches are used where required.

The ballast is stone. The alignment and surface are good, and curves are elevated and eased at the ends so that they "ride" well when being passed over by high-speed trains. No railroad grade crossings.

Interlocking plants on main line are located at the following points: south of Mount Vernon, Mount Vernon, New Rochelle Junction, east end New Rochelle yard, Mamaroneck, Harrison, and Rye. No interlocking plants on Harlem branch, as none are required within the territory of the Second District.

The right of way is in good condition. There are no highway crossings at grade.

The block system is electric automatic and manual controlled.

The station buildings are in good condition, with modern conveniences and well maintained.

The New England main line, from Hopewell to State Line, has 31.11 miles main track laid with 78-lb. steel rail, with 24-in. Weber joint connections, 4 bolt holes to the joint; 22.58 miles laid with 79-lb. rail, 30-in. angle bars, 6 bolts to the joint; 1.33 miles laid with 90-lb. re-rolled steel rail, 24-in. angle bars, 4 bolts to the joint; 0.23 mile laid with 75-lb. rail, 24-in. angle bars, 4 bolts to the joint; 0.79 mile laid with 80-lb. rail, 24-in. angle bars, 4 bolts to the joint; a total of 56.04 miles single main track, or 27.78 miles double track, 0.48 mile single track. There are 12.45 miles sidings and yard tracks.

The cross-ties are 80 per cent chestnut and 20 per cent oak; 6 x 6 in., 8 ft. long if hewn, 6 x 8 in., 8 ft. long if sawed. All ties in since last inspection. Maximum curve is 7 degrees, located in main track about 736 ft. west of mile-post B-206, or three-fourths mile east of Poughquag. Maximum grade 70 ft. to the mile, located east of West Patterson; length of location is 753 ft.

No interlocking plants in the State of New York.

The system of blocking trains or governing their movement is by telegraphic block system, which is absolute and permissive. There is also one eastbound signal at Brewsters, located 1500 ft. from point of facing switch, which protects passing siding and is worked from throw-over at switch; thrown by trainmen. There is one westbound signal at West Pawling, protecting cross-over between east- and westbound main tracks, located 1650 ft. east of same,

worked from one lever machine on west end of cross-over; thrown by trainmen. There is one westbound and one eastbound signal at Poughquag, worked from two-lever machine, protecting rock cut; thrown by cut watchman whenever necessary to protect trains from any obstruction. There is also one signal at Hopewell, protecting facing point switch for yard movement, located 1560 ft. east of same, worked from throw-over levers at switch; thrown by yardmen.

The average length of track sections is 3.14 miles, and the average number of men on sections is 8. Flags, torpedoes, and lanterns furnished foremen for protection of their work. Track-walkers on this territory are all members of the section gangs, who work with the rest of the force on the sections when not patrolling track. No watchmen employed to protect bridges or trestles; 2 watchmen employed at Poughquag rock cut.

One highway crossing is protected by flagmen without gates, located east of Hopewell station, and 11 crossings are unprotected.

14,130 ft. of 90-lb. re-rolled steel rail laid, commencing at a point 2 miles east of Brewsters and extending east, replacing 75-lb. rail in eastbound track; and 1503 ft. additional yard tracks at Hopewell, account of changes in throat at west end of yard.

The roadway is in good condition.

All bridges except one are of steel, the one exception being a 10-ft. over all opening west of Stormville St.; has six 12 x 12-in. stringers and is in good condition. There are 9 overhead highway and private crossing bridges, none of which have the full clearance; all are provided with bridge guards in good condition; some of these overhead bridges could be raised to clear without greatly disturbing existing conditions.

The track is in good condition as to ties, rails and fastenings, and frogs, switches, switch stands, alignment and surface.

The right of way is in good condition. There are 9 highway and 24 private crossings at grade.

The station buildings are generally in fair condition.

As the physical condition of these lines is good, and heavy maintenance of way outlay is in progress, no recommendations seem necessary at this time.

W. L. DERR,
Steam Railroad Inspector.

NEW YORK, ONTARIO AND WESTERN RAILWAY.

Inspected July 5–10, 1909. Last previous inspection July 13–18 and 31, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the New York, Ontario and Western railway in the State of New York and respectfully submit the following report:

The main line extends from Cornwall Junction, near Cornwall, where it connects with the West Shore railroad, to Oswego, 271.75 miles, where it connects with the New York Central lines (Rome, Watertown and Ogdensburg railroad); the line is double tracked between Cornwall Junction and Cadosia, 106.79 miles, except through 3 tunnels: Bloomingburgh, Fallsburgh, and Hawk Mountain, a total length of 1.2 miles which is single tracked; the balance of the line, including the branches, is single tracked; and 117.8 miles sidings and yard tracks. The Ellenville branch extends from Summitville to Ellenville, 7.8 miles main track and 0.85 mile sidings; the Ellenville and Kingston railroad, 27.14 miles main track and 8.02 miles sidings and yard tracks; Port Jervis, Monticello and Summitville branch, 38.27 miles main track and 5.15 miles sidings and yard tracks; Scranton division, Cadosia to Delaware river, 2.91 miles main track and 0.59 mile sidings; Delhi branch, Walton to Delhi, 16.84 miles main track and 2.71 miles sidings and yard tracks; New Berlin branch, New Berlin Junction to New Berlin, 22.38 miles main track and 2.66 miles sidings and yard tracks; Wharton Valley railroad, New Berlin to Edmeston, 6.8 miles main track and 1.29 miles sidings and yard tracks; Pecksport Connecting railroad, Pecksport to Whites Corners, 3.69 miles main track and 0.84 mile sidings; Utica division, Randallsville to Utica, 31.3 miles main track and 18.97 miles sidings and yard tracks; Rome branch, Clinton to

Rome, 12.78 miles main track and 2.76 miles sidings and yard tracks. For operating purposes the line is divided into two divisions: that portion, including branches, south of Sidney is the Southern division, and that portion north of Sidney, including branches, the Northern division.

The main line and branches are heavily curved, and there are many long, heavy grades. The cuts and embankments are generally of sufficient width, and in some instances supported by retaining walls. The drainage of many of the cuts however is not good, and in most instances could be improved by sub-drainage, tile drains placed below frost line and where they would intercept the water before it reaches the surface of the roadway; considerable ditching is needed at various points on the line.

There are 4 tunnels: Bloomingburgh, 3854 ft. long, about 770 ft. lined with brick and stone and the balance without lining, being apparently in a good holding rock; Fallsburgh tunnel, 1200 ft. long, about 450 ft. lined with brick and stone and the balance unlined, being in what appears to be good holding rock; Hawk Mountain tunnel, 1300 ft. long, on a 5 degree curve, lined with timber and brick, but it is expected that all the timber lining will be renewed with brick by October 1st of this year; Northfield tunnel, 1700 ft. long, partly lined with steel plates and brick and partly unlined; the unlined portion seems to be in good holding rock.

The steel bridges generally are of good design and the recent ones wholly modern. Bridge No. 284, between Oxford and Norwich, a viaduct of riveted and plate girders, is about 820 ft. long and its highest tower about 146 ft.; it has an entire wooden floor, including track stringers; at the time of the inspection cover plates were being put on the floor beams, which will add considerable to the strength of these members; the towers are latterly braced with tie-rods, while the modern practice in this detail is to use angles or some similar section that will resist both tensile and compression strains. The timber trestles and bridges other than metal are not of modern design, and many of them show their age by the poor condition of the timber of which they are composed; there is a total of about 6675 lineal feet of these structures on the whole system, and at least 60 per cent. or 4000 feet, of their floors should be renewed within the next two years. The design of these structures, especially the track stringers, is not in accordance with modern practice in this respect: the stringers are built up solidly, and generally without breaking joint; this method not only concentrates the weak points of the member, but the tight "packing" of the stringer prevents it from drying out quickly after it has been wet. This condition is highly destructive to timber, as in all cases water is the essential and principle agent in its outside decay. It is the action of moisture and oxygen on the outer surface of the timber and within its pores, upon the substance contained within the sap, which results in what is known as rot. Hence the necessity for arranging the built up members of timber structures so that they will be well drained and ventilated in all their component parts. All the overhead highway bridges clear 21 ft. or more, except 4 carrying other lines which are protected by guards. The arch, box, and pipe culverts are apparently in good condition and free of obstructions to the passage of water.

The cross-ties of the main line do not average good and in many places they are poor; on the branches they average better than the main line, especially when considered in connection with the lighter power and lower rate of speed on the branch lines. It is reported that one tie in eight is renewed per year, that is 12½ per cent. It is doubtful whether the time basis can be depended upon with any degree of accuracy in determining the life of ties. Formerly, when power, cars, and lading were comparatively light, the life of a tie was the time it took for it to decay, but now its life is more properly the time it takes for it to wear out, this wear being largely caused by the rasping or filing effect of the rail on the tie, especially ties out of surface, due to the movement of the rail under passing loads and to re-spiking. The old spike hole, even though filled with a wooden plug, leaves a weak spot in the tie which aids in the work of destruction. Tie-plates to some extent prevent this destructive action, but to a small extent only. Under the present conditions of train loading and speed it is doubtful whether the life of a tie

much exceeds five years, and it is hardly safe to assume a longer life than that in considering the matter of tie renewals.

The main tracks are laid with steel rails ranging from 95 lbs. per yard to 56 lbs. per yard; of the lightest or 56-lb. rail, 0.7 of a mile is laid on the Ellenville branch, 1.25 miles on the Ellenville and Kingston branch, 13.66 miles on the Delhi branch, and 6.3 miles on the Rome branch, a total of 21.91 miles. There is no other rail on the system lighter than 62 lbs., and but 1 mile of that weight, which is laid on the Rome branch. The rail fastenings are 36-in., 6-bolt angles, 95-lb. rail; 26-in., 6-bolt Bonzano joint, 85-lb. rail; 24-in., 4-bolt angles, 62-lb. rail. The closer spacing of the 6 bolts of the Bonzano joint makes it superior to the 6-bolt, 36-in. angle splice with the wider bolt spacing. There is a large amount of worn rail in the main line tracks on various sections; among them may be mentioned the following points, all north of the places mentioned: Cornwall Junction, Summitville, Luzon, Parkeville, Roscoe, north of bridge No. 154, Cadosia, Rock Rift, Beerston, Walton, bridge No. 222, New Britain Junction, Guilford. Split switches and spring rail frogs are generally used in the main tracks. Switch signals are painted and switch frogs well maintained. Facing point switches that have not a long clear view approaching them are protected by distant signals, and in the electrically blocked territory (Cornwall Junction-Cadosia) the main-track switches are connected with the block apparatus. Derails are used freely in the protection of sidings from which cars might start by gravity action.

Anthracite culm, gravel, and engine cinders are the principal ballasting materials. During the past year 31.49 single track miles of road were re-ballasted by applying 14.03 miles culm, 13.6 miles gravel, 3.53 miles engine cinders, and 0.33 mile stone; the latter used in the re-ballasting of Hawk Mountain tunnel. At the time of the inspection considerable ballast was found distributed along the line on the Southern division and a large force of men engaged in putting it in place. The aligning of the main tracks is fair, but the surface is not so good. In this respect the branch lines appear to be in better condition than the main line. Curve elevation and end easement of curves are well cared for.

The line is crossed by 4 electric trolley lines at grade: at Port Jervis, Oswego, and 2 at Ithaca. At Port Jervis the electric line single track approaches and crosses the steam line main and side track on a heavy down grade (about 11½ per cent): there is a derail in the electric track; no trolley guide. At Oswego, 10th street, near south end of yard, the electric line single track crosses 3 tracks of the steam line: no derail or signal protection of any kind; no trolley guide. At Utica, Lafayette Street and Columbia Street electric lines, each single track and belonging to the Utica and Mohawk Valley railway, cross the steam road at grade: each line is provided with derails and trolley guides. The line is crossed at grade by the Lehigh and Hudson River railway single track, at Burnside, 2 tracks: interlocking signals and derails; Erie railroad, Montgomery branch, single track, at Campbell Hall, 2 tracks: interlocked signals only, trains stop before crossing; Delaware and Hudson railroad 2 tracks, at Sidney: interlocking but no derails, New York, Ontario and Western trains stop before crossing, Delaware and Hudson trains do not stop; Lehigh Valley railroad, Sylvan Beach junction: this is a junction rather than a crossing, as the Lehigh Valley railroad operates over about 600 ft. of the New York, Ontario and Western at this point; a modern interlocking plant controls the main movements; New York Central and Hudson River railroad (Rome, Watertown and Ogdensburg railroad) 1 track, 2 tracks at Central Square: no interlocking at present, but preparations are being made to install an interlocking plant; West Shore railroad, steam and third rail electric, 3 tracks, cross 1 track: interlocking, no derails, trains of both roads stop before crossing; West Shore railroad, 2 tracks, 1 track at Clarks Mills: interlocking, derails in tracks of both lines; it is possible however for a train on the New York, Ontario and Western to stand between the derail switch and the West Shore railroad tracks while trains of the latter road are moving over the crossing.

Electric automatic block signals are operated between Cornwall Junction and Cadosia, 107 miles, and the same type of signals is now being installed

between Fulton and Oswego, 12 miles. Outside of the district operated under the block system, the movements of trains are governed by the time limit system, *i. e.*, that of spacing trains apart a certain length of time as they arrive at the various telegraph stations.

The right of way is in fair condition and generally well fenced. Mile-posts are placed on all parts of the line. There is a total of 426 highway grade crossings, of which 15 are protected by flagmen and gates, 34 by flagmen only, 38 by electric bells, and 339 unprotected; most of the crossings are fairly well located as to view from them and from approaching trains; all are provided with cattle-guards and whistling-posts.

Two of the recently constructed state roads cross at grade: one, the Seneca turnpike, between New Hartford and Utica, Utica division, and the other at Kirkland, Rome branch. As these highways are great trunk lines of high-speed road vehicle travel it would be well to eliminate grade crossings at the time of the state construction. Elimination at that time would probably cost less than if done afterward. Unless some such measures of elimination are taken, road crossing accidents are likely to become more, rather than less, frequent at many places on the high-speed state roads. The view from the Seneca turnpike crossing was so very much obscured that the railroad company found it necessary to cut down a considerable hill to better it. There appears to be no engineering difficulties in the way of eliminating either of these crossings.

The station buildings are generally in good condition and provided with the proper conveniences, and with fire protection appliances, either buckets or portable fire extinguishers, and often both.

Recommendations: The matter of the track drainage of this line is one that should receive most careful attention if the best results are to be gotten from track maintenance expenditures. It is nothing but a waste of energy and money to attempt to keep track in proper line, surface, and gauge when it is not practically free of water. This may be taken as fundamental, and is not a new idea but one that is and always has been held by trackmen as the basis of good track maintenance. The lack of proper drainage is the real reason why many roads have poor track even after they have spent money enough to have made good track. Not only must the so called surface water be kept away from the roadbed, but also that water which finds its way to the surface from beneath the roadbed, it often being more insidious in its action than the surface water. The disposal of this water is best obtained by means of tile drains — common agricultural tile — placed below frost line, where it will intercept the underground water on its way to the surface. It is hilly countries, like that through which the road passes, that are most affected by underground water; mountain railroads are placed at the lowest point they can reach and the water from the hills above naturally finds these low points, and as soon as a cutting is made through a hill it at once becomes a waterway for a more or less sized watershed above it. Much of the water above finds its way underground to below the bottom of the cut, and from there works its way up into the cut; if under-drainage is provided, it will intercept and discharge much of this water before it reaches the surface. A large portion of the New York, Ontario and Western railway, in the more hilly country, is in need of this drainage treatment; or if this is not done, much deeper side ditches should be provided; but this latter method is more expensive than under-drainage. Considerable ordinary side ditching should be done at various points, especially on the main line of the Southern division.

Bridge No. 284, viaduct, should be provided with steel stringers in place of the present wooden ones; its towers should be braced with angles, or some other standard section instead of the present rod bracing. In designing this proposed bracing, in the absence of trustworthy data as to the force of the wind during violent storms in that neighborhood, it would be well in calculating the stability of the towers to take the maximum possible wind pressure at such an intensity as would be sufficient to blow a train of empty cars off the viaduct, the condition of least stability being where the viaduct is loaded with a train of empty box cars. The wooden stringers of many of the trestles north of Norwich should be renewed promptly; much

of this timber is old and its life about gone. The method of "packing" the stringers is obsolete: by a packed stringer is meant one made up of a number of pieces of timber of sufficient and equal depth placed side by side and bolted together. These pieces should not touch each other, but should be spaced say 1½ in. or 2 in. apart; they may be separated by castiron spools or by wood filler blocks. This separation of the pieces allows free ventilation and drainage of all the parts making up the stringer and thereby adds much to its life. Stringers should be continuous through a wooden trestle, and the joints of the pieces composing them should be broken so as not to concentrate the weakness of the joints at any one point; in other words, there should never come up one trestle bent more than one joint when it is possible to avoid it. Beside the main stringers that come directly under the rails there should be outside stringers that either come under the guard timbers or just outside of them; these outside stringers need not be more than half the section of the main stringers. Their duty is to hold up a train in case of a derailment on the bridge, by preventing the ties from giving way when the weight of the train is brought directly upon them. None of the wooden trestle structures are provided with these outside stringers, and it is recommended that they be included in the renewal of the floors of wooden trestles. There are a great many poor ties on bridges that should be renewed this year, and it is so recommended.

The matter of tie renewals having been considered pretty fully in the body of this report it is hardly necessary to emphasize it further. It is recommended for the present year that at least one tie in five be the basis of tie renewals, and this rate may have to be continued longer or until better drainage relieves the ties of much of the wear present drainage imposes upon them.

It is recommended that the worn and battered rail on the outside of curves be replaced this year, preference being given to curves on bridges and near the ends of bridges. The 56-lb. rail on the Ellenville branches and the Delhi branch should be given close attention, especially as large capacity coal loaded cars may be sent over these lines.

The matter of electric power wires of high voltage crossing railroads overhead is one that deserves a careful study on the part of the electrical experts as these lines are on the increase. It might be decided that these wires are not likely to cause trouble, but as an engineering proposition it would seem that a failure, with bad results, is within reasonable probability. There are so many overhead obstructions in and around railroad yards — in this connection the high power wires crossing this railway overhead at Fulton (Broadway) is in point — that it is next to impossible for trainmen to ride on top of box cars and feel reasonably safe.

The interlocking plant controlling the movements over the grade crossing of the West Shore railroad and the Rome branch, at Clarks Mills, should be so arranged that the movement of a train on one road can not be arranged for until a train passing over the crossing on the other road has cleared the derail in advance.

W. L. DERR,
Inspector Steam Railroads.

NIAGARA JUNCTION RAILWAY.

Inspected September 22, 1909. Last previous inspection August 17, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Niagara Junction railway and respectfully submit the following report:

The Niagara Junction railway is a connecting road at Niagara Falls, operating for freight traffic, and extending from Port Day to Niagara Falls village, in town of Niagara, where it connects with the Rochester, Lockport and Niagara Falls line of the New York Central and Hudson River railroad; there is also a connection with the Erie railroad at Echota, about 2.2 miles east of Niagara Falls. The length of the main line is 4.86 miles; including the Erie railroad and the New York Central and Hudson River railroad con-

nections, it has a mileage of 5.73; it has about 6.3 miles of its own sidings, and about 4 miles private sidings, the latter leading to various industries located on its line. It is comparatively level, with generally easy curvature.

The steel and iron bridges are in fair condition with the exception of some needed tie renewals. The timber trestles are in fair condition. There are no open culverts or cattle-passes. There are no arches; the box and pipe culverts are in good condition and free of obstructions to the passage of water.

The cross-ties are 7 x 9 in., 8 ft. long, laid 2816 per mile, principally oak and in fair condition. The rail is principally 80-lb., connected by 30-in., 4-hole angle splices, and in good condition. The switches are split point, provided with automatic switch stands and rigid frogs. Derailing switches apparently are used where needed.

The ballast is broken stone. The section force is a foreman and 8 to 10 laborers.

The right of way is in good condition and fenced where necessary. The approaches of highway crossings are well graded and planking fair; all are provided with crossing-signs.

The road handles freight only as a belt or connecting line to various industries; apparently no stations are needed.

The repairs and improvements are of a nature to keep the line in fair condition for freight movement.

Recommendation: That further repairs to ties and guard-rails of bridges be made.

The recommendations of last year seem generally to have been complied with.

W. L. DERR,
Inspector Steam Railroads.

NORTHERN CENTRAL RAILWAY.

Inspected August 25 and 26, 1909. Last previous inspection July 27 and 28, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Northern Central railway and respectfully submit the following report:

The main line enters the State of New York near Fassett and extends to Canandaigua. The southern portion of the line (Elmira and Williamsport railroad) extends from the Pennsylvania-State line to a connection with the Erie railroad at Southport, a distance of 6.44 miles and has 0.34 mile of second main track and 4.72 miles of sidings and yard tracks. From Southport to Chemung Junction, a distance of 6.2 miles, the trains operate over the tracks of the Erie railroad. From Chemung Junction to Canandaigua, the remaining portion of the main line is known as the Elmira and Lake Ontario railroad, the distance being 64.19 miles, and has 1.14 miles of second track and 38.25 miles of sidings and yard tracks. The Sodus Bay branch connects with the main line at Stanley and extends to Sodus Bay, a distance of 34.06 miles single track, and has 11.03 miles of sidings and yard tracks. There is at Canandaigua what is known as the Lake branch, used only for freight purposes, connecting with the main line in Canandaigua yard and extending to Canandaigua lake, a distance of 1.48 miles and has 0.42 mile of sidings, and in this report is treated only as yard track. The general alignment of the main line is very fair, although there are frequent curves on the portions south of Elmira and between Horseheads and Himrods, but most curves are light; the maximum is 8 degrees, located at Watkins; south of Elmira the maximum curve is 6 degrees, near State Line Junction. The Sodus Bay branch is very crooked at the southerly end, but the curves are light; the maximum is 5 degrees, located north of Orleans. The grades of the main line are very regular and generally light, the maximum about 66 ft. per mile near State Line Junction and south of Montour Falls. The grades of the Sodus branch are somewhat irregular, though generally light;

the maximum is 74½ ft. per mile north of Phelps Junction. The cuts and embankments are of full width and proper slopes and the roadway is well drained.

The steel and iron bridges are in good condition and generally well painted, quite extensive painting having been done since last inspection; the masonry is in good condition; ties and guard timbers are of standard dimensions and well maintained; inside guard-rails are in place on all. The only wooden bridges remaining in the roadway are 4 spans of Howe truss on the Sodus Bay branch; they are in good condition and have proper masonry. There are some wooden bridges used for overhead highway and farm crossings, and all such are properly maintained. The only overhead obstructions less than 20 ft. above the track are the crossing of the Delaware, Lackawanna and Western railroad south of Horseheads, which has a clearance of 19 ft. 4 in.; New York Central and Hudson River railroad at Himrods Junction, which has a clearance of 17 ft. 3 in.; and of the Lehigh Valley railroad 1 mile south of Phelps Junction, which has a clearance of 19 ft. 10 in.; there is a public highway just south of Penn Yan which has a clearance of 20 ft. 2 in. Warning signals are in place at the crossings of the Delaware, Lackawanna and Western and the New York Central and Hudson River railroads, and are at once to be put at the other 2 crossings. There are 10 timber trestles remaining in the main line track, all small structures; they are of standard construction and in first-class repair; there are 4 quite extensive trestles yet remaining in the Sodus Bay branch, also of standard construction and well maintained. Most open culverts and cattle-passes of the main line have concrete or stone masonry and I-beam stringers; there are 9 remaining, constructed entirely of wood; all have standard ties and guard timbers in good repair and all are in safe condition. All open culverts and cattle-passes of the Sodus Bay branch have masonry; one south of Seneca Castle has masonry in bad condition and the stringers are supported on bents; material is on hand for rebuilding and the work is to be done in the very near future; all others are in good condition. The arch, box, and pipe culverts are all in good condition.

The standard dimensions of cross-ties are 7 x 7 in., 8½ ft. in length, and they are laid at the rate of 2600 to the mile of track. In the main line track south of Elmira, they are about 80 per cent oak and 20 per cent yellow pine; north of Elmira, 71 per cent oak, 26 per cent yellow pine, and 3 per cent chestnut. In the Sodus Bay branch track, 65 per cent are oak, 22 per cent yellow pine, and 13 per cent chestnut. They are evenly spaced, full spiked, and in good condition; most renewals necessary this season have already been made. 51.76 miles of the main line track are laid with 85-lb. and the remainder, 22.35 miles, with 70-lb. steel rail; the rail is in very good condition generally and renewal is being made as necessary. In the Sodus Bay branch, 7.02 miles are laid with 70-lb. and the remainder, 27.04 miles, with 60-lb. steel rail; the greater portion of this rail is much worn and quite extensive renewals are needed; there has been some new 75-lb. rail put in and it is expected to renew more of it this season. All main-track switches are split point with stands mainly automatic for main track; the targets are in good condition. High targets are used in obscure places and in some cases distant signals interlock with the main-track switch stands. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. Both rigid and spring rail frogs are used and are properly maintained. Derailing switches are in all sidings where their use appears necessary, and have proper targets.

The tracks are ballasted with gravel and cinders, generally in fair quantity. The alignment and surfacing of the main line track is first class and of the Sodus Bay branch very good. The outer rail on curves is properly elevated for the speed at which the trains are scheduled. The track sections of the main line south of Elmira are 4 miles in length, north of Elmira and of the Sodus Bay branch 5 miles in length; the average force maintained upon each consists of a foreman and 6 laborers. Each gang is furnished with flags, lanterns, and torpedoes, and all portions of the track are patrolled daily.

One track of the Elmira and Seneca Lake railway (electric) is crossed at grade at Montour Falls: there are derailing switches in the track of the electric road, but the protection over the trolley wire is too short; 1 track of the Naples branch of the Lehigh Valley railroad at Stanley: the crossing is protected by an interlocking plant; there are home and distant signals on the Northern Central railway, and home signals and derailing switches in the track of the Lehigh Valley railroad; Lehigh Valley trains are required to come to a full stop, Northern Central trains do not stop if signals are in their favor; 1 track of the Auburn branch of the New York Central and Hudson River railroad is crossed at Phelps Junction by the Sodus Bay branch: the crossing is protected by a flagman, and all trains are required to come to a full stop; 1 track of the Rome, Watertown and Ogdensburg railroad, operated by the New York Central and Hudson River railroad, is crossed at grade by the Sodus Bay branch at Wallington: the crossing is protected by home signals that are interlocked, and all trains are required to come to a full stop. The only interlocking plants maintained are at the connection with the Erie railroad at Southport and Chemung Junction, at the crossing of the Naples branch of the Lehigh Valley railroad at Stanley, and the interlocking signals at the crossing of the Rome, Watertown and Ogdensburg railroad at Wallington.

The right of way is free from trees, brush, and rubbish, and is fenced with wire generally in fair repair; in some places however the fences are not in good condition. The highway crossings are well graded, properly planked, and protected by signs of the diamond form, suitably located and well painted; cattle-guards mainly of the wooden slat pattern with proper guard-fences are in place at each boundary of the highways crossed at grade; 7 highway grade crossings are protected by flagmen, 7 by flagmen and gates, and the remainder, 119, by crossing-signs only.

The movements of trains are governed by the manually controlled, positive block system.

The station buildings are well maintained, are clean and neat and the sanitary condition good. Water is provided for drinking, and time-tables are posted in the waiting rooms. Platforms are of cement, plank, and gravel and are in good condition. Water in pails and fire extinguishers are provided as protection against fire. At stations where there is a water system, sanitary closets are maintained, and at nearly all others there are outside closets which are well cared for; most of those noted as missing on last inspection have been supplied and arrangements made for building the others needed. Station grounds and station yards are in proper condition, and at some of the more important stations there are lawns with shrubs, flowers, and ornamental plants.

Since the last inspection, there has been general improvement in the condition of the road, the most important repairs and improvements noted as made are as follows: About 10 per cent of the cross-ties in the main line track and 19 per cent of those in the Sodus Bay branch track have been replaced; 0.57 mile of 85-lb. rail has been laid in main line track south of Elmira, replacing worn 85-lb. rail, and 5.32 miles same weight rail north of Elmira, replacing worn 85- and 70-lb. rail; and 0.95 mile of 70-lb. rail in the Sodus Bay branch track, replacing worn 60- and 70-lb. rails; 14.2 miles of main line track and 10.4 miles of the Sodus Bay branch have been re-ballasted with cinders; timber trestle bridge No. 19 of the Sodus Bay branch has been extensively repaired; 1 stone box culvert has been replaced with 24-in. pipe, and a brick arch culvert on the Sodus Bay branch extensively repaired; 1 abutment to bridge No. 24 south of Elmira has been rebuilt; 2 of the timber culverts have been practically rebuilt; 5 bridges have been re-painted; a 60-ft. extension has been added to the icing plant at Southport yard, and the loading platform extended 44 ft.; extensive repairs have been made to the yard office at Southport, and the building remodeled; new roof has been placed on ice house at Southport; the roof and floor of cement house at Southport have been renewed; the roof of the freight house at Elmira has been renewed, and a new floor placed in the freight office; new floor has been put in telegraph office at Watkins; the freight platforms at

Himrods and Penn Yan have been partially renewed; a new yard office has been built at Canandaigua, transfer platform at that place renewed, and an extension of 80 ft. made to the freight house platform; new roof has been put on blacksmith shop at that place, and extensive repairs made to the ash pit; quite extensive repairs have also been made to other station buildings, and re-painting done where necessary; 4 miles of new fence have been erected on the main line and 8.21 miles extensively repaired; 3.2 miles of new fence on the Sodus Bay branch and 3.75 miles repaired; 1.8 miles of snow-fence has also been erected on the main line and 0.3 mile on the Sodus Bay branch; improvements and extensions have been made to sidings at Horseheads, Himrods, Penn Yan, and Canandaigua on the main line and at Wallington on the Sodus Bay branch; the foundation of 75-ft. turntable at Southport yard has been renewed; 2 new freight scales have been installed at Watkins freight station; new crossing gates and tower erected at Fourth street in Watkins; a new pump has been installed at Stanley station; on the Sodus Bay branch, wagon scale has been installed at Outlet, a new pump at Sodus Bay Center, the coal trestle at Sodus Point has been extensively repaired, and some dredging done at that point.

Recommendations: That the necessary renewal of rail be made on the Sodus Bay branch, and that the fences be put in proper repair.

Referring to recommendations contained in report of last inspection, those recommendations have received proper attention.

J. D. SHULTZ,
Steam Railroad Inspector.

NORWOOD AND SAINT LAWRENCE RAILROAD AND RAYMONDVILLE AND WADDINGTON RAILROAD.

Inspected November 16, 17, 1909. Last previous inspection November 3, 4, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Norwood and Saint Lawrence railroad, and the Raymondville and Waddington railroad operated by the Norwood and St. Lawrence Railroad Company, and respectfully submit the following report:

The Norwood and St. Lawrence railroad connects with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad and with the Rutland railroad at Norwood and extends to Raymondville, a distance of 7.5 miles, and has 1.4 miles of sidings and yard tracks. The Raymondville and Waddington railroad connects with the Norwood and St. Lawrence railroad near Raymondville and extends to Waddington, a distance of 11.69 miles, and has about 0.75 mile of sidings and yard tracks. Both are single-track roads. Both roads are considerably crooked in places, with maximum curves of 12 degrees. The maximum grade of the Norwood and St. Lawrence is 75 ft. per mile, of the Raymondville and Waddington 66 ft. per mile. The Raymondville and Waddington railroad is not yet completed, and in some cases track is laid practically on the surface of the ground over hills and also through valleys, making the grades as in use at present considerably steeper.

The Norwood and St. Lawrence railroad is very well graded and properly drained. The grading of the Raymondville and Waddington railroad is not completed, although the track is laid and in use; where the grading is completed the ditches are in very fair condition.

In the Norwood and St. Lawrence railroad there is but 1 iron bridge: it is a 2-span, I-beam deck, with abutments and a pier of concrete masonry; it is in proper condition and has standard ties and guard timbers well maintained. On the Raymondville and Waddington railroad there are 5 such structures: 2 have single spans, 2 have 3 spans each, and another 2 spans; they are in good condition, have first-class concrete masonry and standard ties and guard timbers, all new; inside guard-rails have only been placed on one of the bridges but are to be put on the others. At the 2 single span bridges the embankments

have not been completed and the trains operate over a temporary track laid to one side of where the bridges are constructed, and the track is carried across the stream on temporary trestles; the embankments however were nearly completed at the time the inspection was made and the track was to be transferred so as to operate over the bridges within a few days. There are no wooden bridges in the roadway nor for overhead highway or farm crossings, and there are no overhead obstructions. There are no timber trestles in the Norwood and St. Lawrence railroad; in the Raymondville and Waddington railroad there are 6 such structures, consisting of from 3 to 9 spans each; these are all temporary structures and are to be replaced with permanent structures as rapidly as possible; they are in safe condition so long as carefully watched so that none of the timbers get out of place, and the trains are required to operate very slowly when crossing them. There are 2 open culverts and cattle-passes with good concrete masonry and I-beam stringers, and 14 constructed entirely of timber; all are temporary structures and are to be replaced with permanent ones as rapidly as possible; these are in the same condition as the trestles, and need careful attention and slow speed over them. The arch, box, and pipe culverts are in good condition; quite a number of the temporary open culverts are to be replaced with iron pipes or concrete arch or box culverts.

The standard cross-ties are 6 x 8 in., 8 ft. in length, and laid at the rate of 2816 to the mile of track; those on the Raymondville and Waddington railroad are all new; on the Norwood and St. Lawrence railroad they are in good condition, necessary renewals having been made; they are practically all cedar. The Norwood and St. Lawrence railroad has about 7 miles of track laid with 70-lb., and 0.5 mile with 56-lb. steel rail; the 70-lb. rails are connected by angle plates 30 in. in length with 6 bolts; the 56-lb. rail, which is laid in Norfolk and Raymondville yards, is connected by Fish plates 20 in. in length and angle plates 24 in. in length with 4 bolts; the 70-lb. rail is in good condition; the 56-lb. rail in fair condition for the purpose used. The Raymondville and Waddington railroad has 9 miles laid with 70-lb. steel rail, and the remainder, 2.69 miles, with 60-lb. steel rail; the 70-lb. rail is connected by angle plates 30 in. in length with 6 bolts, the 60-lb. rails by angle and Fish plates 24 in. in length with 4 bolts; the 70-lb. rail is new and in first-class condition; the 60-lb. rail is worn, having been used elsewhere, and is only put in temporarily and is to be replaced with 70-lb. rail as soon as the grading is completed. All main-track switches are split point; both rigid and automatic stands are used and have proper targets. Switch lamps show red light for danger and white for safety. The frogs are rigid and properly maintained. No derailing switches are used, nor apparently necessary. The Norwood and St. Lawrence railroad is ballasted with gravel and cinders in medium quantity; the Raymondville and Waddington railroad has as yet but little ballast and that little is of sand and cinders. The alignment and surfacing of the Norwood and St. Lawrence railroad are good, but of the Raymondville and Waddington somewhat irregular as yet. The outer rail on curves is properly elevated for the speed at which the trains operate. The Norwood and St. Lawrence railroad is maintained by a track force consisting of a foreman and 5 laborers; on the Raymondville and Waddington railroad there is a large construction force yet at work. All portions of the track are patrolled daily.

The right of way of the Norwood and St. Lawrence railroad is free from trees, brush, and rubbish; on the Raymondville and Waddington railroad trees and brush are all cut, but some logs yet remain on the right of way. The Norwood and St. Lawrence railroad is well fenced with wire, and wire fencing is being erected on the Raymondville and Waddington railroad. There are 5 highway grade crossings on the Norwood and St. Lawrence railroad: they are very well graded and all are protected by crossing-signs of the diamond form. On the Raymondville and Waddington railroad there are 10 grade crossings; one is a temporary crossing, and an overhead bridge will be erected when the cut is completed. These crossings are fairly well graded, properly planked, and all are protected by signs of the diamond form. On the Norwood and St. Lawrence railroad there are metallic slat cattle-guards at each boundary of the highways crossed; as yet none have been put in on the Raymondville and Waddington railroad.

The movements of trains are governed by the telephonic train order system.

At Norwood the company uses station buildings jointly with the Rome, Watertown and Ogdensburg and the Rutland railroads; at Norfolk there is a small passenger station and office building and a wooden freight house, all in good condition; at Raymondville, on the Norwood and St. Lawrence railroad, there is a small combined freight and passenger station: it is an old building, and when the new station is completed at that point on the Raymondville and Waddington railroad will be abandoned except for freight. New combination frame passenger stations of good size and modern construction are being erected on the Raymondville and Waddington railroad at Raymondville, Chase's Mills, and Waddington; these buildings are well along and will be completed in a short time.

Since the last inspection the Raymondville and Waddington railroad has been so far completed as to be put in operation. On the Norwood and St. Lawrence railroad about 10 per cent of the cross-ties have been renewed; some re-ballasting has been done; and cattle-guards put in at each boundary of the highways crossed at grade.

Recommendations: That great care be used in operating the Raymondville and Waddington railroad until such time as the grading is properly completed and tracks put in proper alignment and surface; that the temporary structures in the roadway of that line be very carefully watched and operated over, and the permanent structures be completed as rapidly as possible; that the worn light rail put in that line for temporary use be replaced when the grading is completed.

The recommendations contained in report of last annual inspection have been complied with.

J. D. SHULTZ,
Steam Railroad Inspector.

OTIS ELEVATING RAILWAY.

Inspected July 1, 1909. Last previous inspection June 19, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Otis Elevating railway and respectfully submit the following report:

The line is straight excepting two light turnout curves in each track at the ends of the passing point. The grade is fairly uniform, but there is one considerable "dip" about a quarter of the way from the bottom up the plane. The roadbed is of sufficient width and is kept clear of underbrush, etc., and is well drained.

The two important bridge structures carrying the tracks are a steel viaduct about 480 ft. long and a reinforced concrete trestle about 286 ft. long. The steel viaduct consists of steel towers and 15-in. I-beam track stringers, and is in good condition. The concrete trestle, built during the past year and replacing a wooden trestle, is in good condition. The concrete masonry foundations of both structures appear to be in good condition, showing no settling. There are 2 wooden stringer bridges, span 10 ft. each, crossing private roads, and in good condition; the overhead bridge clears sufficiently, as there is no riding on top of cars.

The track superstructure may be defined as a wooden bridge floor, carried on cross-ties and longitudinal stringers its entire length: wood mudsills are ballasted into the roadbed, upon which wood stringers are placed on edge; these stringers vary in size, 6 x 12 in. and 7 x 14 in., etc., but are of sufficient strength and well supported vertically at all points; the cross-ties rest on the stringers, to which every second one is bolted. "Grip timbers," upon which the safety device is supposed to clutch in case of a runaway, are placed in each track near the outside rails and bolted to the ties, the heads of the bolts being countersunk. The track itself consists of 3 rails, one common to both tracks except at the passing point, half way down the plane, where there is a double track. This arrangement of rails enables two trains to pass each other without the intervention of movable switches, and admits

of 3 rails for most of the distance doing the duty that would ordinarily require 4 rails. The rail weighs 35 lbs. per yard, and the joint connections are 18-in., 4-hole angle plates. There are 2 switches, both at the head of the plane: one is a connection with the Catskill and Tannersville railway, and the other is a safety or derailing switch, to be set in the run-off or derailing position when the Tannersville connecting switch is being used, so that in case of mishap to a car being switched it would not runaway down the plane. The maintenance of track is done by the section force of the Catskill and Tannersville railway.

The system of operation employed is a combination of the balance and hoist principle, one train descending while the other ascends, both fastened to the ends of the same cable. There are two upright boilers, Manning type, 6 ft. diameter and 20 ft. in length, each with 152 2-in. flues; the working steam pressure is 125 pounds per square inch; a 6-in. steam pipe connects the boilers with the engines. The hauling power consists of two Hamilton-Corliss reversing engines. On the main shaft, common to both engines and speeded at 90 revolutions per minute, is carried a pinion of 21 teeth engaging in a main gear of 100 teeth and about 12 ft. diameter. Alongside the main gear is the hauling drum, 12 ft. diameter, fitted with grooves for receiving the hauling ropes. These grooves are not immovably attached to the drum, but are put on its face to a neat fit so as to permit them to turn on the face of the drum in the event of the application of suddenly applied or unusual strains. They are held on the drum by retaining rings. Facing the main drum is an idler drum of the same diameter. There are 2 service brake wheels of 8 ft. diameter and 6-in. face, fitted on the main shaft. There is in addition to these brakes an auxiliary brake for emergency use fitted to the hauling drum. The brakes are of the strap type, the strap being lined with wood-fibre. The hauling ropes consist of two 1½ inch crucible steel cables, supported on the plane by castiron sheaves 12-in. diameter, 5½-in. face, grooved 1-in. deep on the straight line, and 19-in. diameter 7-in. face, grooved 2-in. deep on the curves formed by the turnouts of the passing point. The sheave bearings are Babbit lined and provided with lubricator boxes.

The engine and train movements are controlled by an operator, with an assistant standing alongside, stationed with the controlling levers, etc., in a room on the floor above the engines, from which he has a view of nearly the whole length of the plane, the only exception to the view being a few hundred feet where the line depresses vertically a sufficient distance to take one of the cars out of sight for a few seconds. The control is by means of levers: brake, reverse, and throttle. The brake and reverse movements are effected either by compressed air or by manual power, using separate levers for each power. A speed gauge set to give an audible signal when the speed reaches 8 miles per hour (the operating speed) is placed in front of the controlling levers in plain sight of the operator. A car is permanently attached to each end of the two cables (the two cables forming one hauling rope); the cables on leaving a car, say at the top of the plane, pass into the engine house to the main or driving drum, around that drum and thence to the idler drum, making two turns around these drums, thence passing out of the back of the engine house around an inclined deflecting pulley about 8-ft. diameter, and from there back to and down the plane where they are attached to the car at the foot of the plane. In the hauling movement, a train moving down the plane by gravity assists in the work of hauling an up-bound train.

The safety device or "grip" is attached to the bottom of the car and is held in the open or running position by means of an appliance similar to the centrifugal governing device of a stationary steam engine, and is set to automatically close the teeth on the "grip timber" when the car reaches a speed of 12 miles per hour. It is claimed by the superintendent that this appliance will stop a car moving freely down the plane in a distance of six feet.

Telephone communication between the conductor of a train and the operator in charge of the hoisting engine is maintained by means of wire laid down the plane and connected to the telephone on the car by means of a sliding contact shoe carried on front of the car.

The line does both passenger and freight business, but is operated during the summer season only.

The road is provided with stations at both the foot and head of the plane.

It appears that the road has been kept in good condition during the past year and the work recommended by the Commission carried out, with the exception of that of providing an automatic stop at the top of the plane.

Recommendations: That on renewing the ties, outside guard timbers be put on to assist in keeping cars on the roadway in the event of derailment; that on the renewal of the present cables, one cable of sufficient dimensions be substituted for the two; the two cables, if acting together, give a good margin of safety when working under the loads to which they are ordinarily subjected, but if from any cause the load is thrown on one cable alone, it would be strained somewhat greater than is allowable in good practice; an unequal stretching of the two ropes, which it is reasonable to suppose could be brought about, might at any time throw an undue strain on one rope, and I believe a single cable would show less wear to itself and to the track idler-pulleys; that some means be adopted for testing the working cable sufficiently often to insure safety.

W. L. DERR,
Inspector Steam Railroads.

OWASCO RIVER RAILWAY.

Inspected November 2, 1909. Last previous inspection July 20, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Owasco River railway and respectfully submit the following report:

The Owasco River railway connects with the yard of the Auburn branch of the New York Central and Hudson River railroad at Auburn and extends to the International Harvester Company's works in said city, a distance of 0.5 mile, and has approximately 1½ miles of sidings and yard tracks. The road is constructed for quite a portion of its length along the Owasco river, and has on it about 1200 feet of framed bent timber trestle constructed of yellow pine, on masonry foundations. The road is used only for switching purposes and is operated at slow speed. It is generally in good condition for the purpose and in the manner used. A few of the stringers and ties on the trestle need renewal, and the attention of the men engaged in making repairs was directed to them. Your inspector was advised that materials were on hand to make the additional renewals, and at the time the inspection was made men were engaged at that work.

There are 2 spans of lattice girder deck bridge on masonry foundation: they are in proper condition and have standard ties and guard timbers; a few ties were noted, and attention directed to them, that were somewhat decayed and need renewal; aside from that they do not require any present attention.

The portion of the road constructed on the ground, with practically no cuts or fills, is in proper repair. The cross-ties, mixed pine and oak, are 6 x 8 in., 8 ft. in length, and laid at the rate of 2816 to the mile of track. The rail is in fair condition and the connections properly made. The switches are split point and have rigid stands without targets. The frogs are rigid.

Two tracks of electric railroad are crossed at grade on Genesee street and one on North street: there are no derailing switches in the track of the electric road, and it is not practicable to put them there; there is proper protection over the trolley wire. The conductors of the electric railroad are required to pilot their cars across the track of the steam railroad, and whenever the trains of the steam railroad operate across the streets on which the electric tracks are, and also on the other streets crossed, they protect by flagging. At each side of the streets there are gates, which are opened only when necessary for trains to pass through.

Taken as a whole, the railroad is in fair condition for the purpose used, and the only recommendation considered necessary is that the stringers and ties on the trestle and on the bridge, to which attention was directed, be renewed.

J. D. SHULTZ,
Steam Railroad Inspector.

PITTSBURG, SHAWMUT AND NORTHERN RAILROAD.

Inspected August 3, 1909. Last previous inspection October 6, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Pittsburg, Shawmut and Northern railroad and respectfully submit the following report:

The main line extends from Wayland, where it connects with the Delaware, Lackawanna and Western railroad, to the Pennsylvania-State line at State Line Junction, where it connects with the Pennsylvania railroad, and has 68.9 miles single track and 16.86 miles of sidings and yard tracks. It has two branches: the Olean branch extending from Olean Junction to Olean, 9 miles single track and 1.07 miles sidings and yard track; and another extending from Moraine to Hornell, 9.29 miles single track and 6.41 miles sidings and yard tracks.

The heaviest traffic of the line being soft coal, the general profile outbound from the mines is interesting both from an operating and maintenance standpoint. In passing from the state line to Belvidere it crosses the watershed between the Allegheny and Genesee valleys; at Belvidere the line crosses the Genesee river and follows the river valley to the valley of the Angelica creek, and thence in the valley of that creek to its headwaters and the village of Angelica, with a maximum ascending grade of 0.53 per cent, compensated. From Angelica to Scholes, 5.5 miles, the maximum ascending grade is 0.6 per cent, compensated; Scholes to Summit, 12.25 miles, the maximum ascending grade is 0.17 per cent, and from Summit to the connection with the Erie railroad at Swains, 4.2 miles, the grade is 1.6 per cent descending; between Hornell and Wayland the grades are easy; all of which shows a favorably located line.

The surface drainage is good. A great deal of the line is located in clay beds, especially west of Angelica. These beds vary in thickness from a few feet to hundreds of feet and are often miles in length, and are the cause of extraordinary maintenance expenses; when wet they will not stand at any reasonable slope, and their successful drainage, if at all possible, can be accomplished only by methods almost prohibitive in cost. However the economical phase of these beds is of importance, as the development of the clay industry in this district would be of great value to the road. It is with the maintenance of the line through the clay district that the road is immediately concerned. No earth is more affected by water and air or more difficult to treat than the clay of this district, as it will expand if exposed to air and without contact with water; this property, and contraction upon drying, alone make it an earth particularly liable to slide and induce fissures and cracks through which water flows. If this clay could be kept fairly dry it would be stable enough for practical purposes, but this can not be effected, for water in clay is held in suspension for a considerable time, its plastic nature tending to prevent its freeing itself. Water penetrating most clays, and the kind of clay here under consideration, converts the mass into a semi-fluid condition, resting only when horizontal or nearly so. It should however be borne in mind that clay may be over-drained, so that it becomes too dry, as when it will shrink and crack; the aim should be to keep it in a sufficiently moist state to obviate such troubles and at the same time dry enough to be firm. Along the line of this road the dip of the clay being toward the adjacent large stream, the material necessarily slides more than if the dip were toward a hillside of stable material. Also it runs along the edges of clay spurs, always likely to do more sliding than the main mass. A covering of close growing grass or a layer of engine cinders will often prove advan-

tageous in resisting both atmospheric and frost action. These cuts have been greatly improved within the past few years.

All steel bridges and viaducts, wooden bridges, timber trestles, open culverts, and cattle-passes are in good condition. The arch, box, and pipe culverts appear to be in good condition and free of obstruction to the passage of water.

The cross-ties are 7 x 7 in., 8 ft. long, mixed oak, chestnut, and yellow pine. The renewals during past year are as follows: main line 12,470, Olean branch 2472, and Hornell branch 2698. Ties are laid about 2560 per mile, and are in fair condition.

The main line has 53.49 miles laid with 85-lb. and 15.41 miles with 56-lb. steel rail, connected by 30-in. Weber joints and 21-in. 6-bolt angle plates; the Olean and Hornell branches are laid with 56-lb. rail, the connections being 21-in. 6-bolt angle plates. The rail is in fair condition. All main-track switches are split point, with automatic switch stands provided with targets and lights. Spring rail frogs are used with the 80-lb. rail and rigid frogs with the 56-lb. rail. All the switch work is in good condition. Derailing switches protect the main tracks where they seem needed.

The ballasting is of sand and gravel in fair quantity. The alignment and surface are good, as was shown by riding over the line at a speed greater than that of the passenger trains. The sections on the main line and Olean branch are 6.5 miles, and on the Hornell branch 5.8 miles; the working force main line and Hornell branch is 5 men, and the Olean branch 4 men per section; the sections are patrolled daily by members of the various gangs; all are provided with the necessary appliances for signaling trains to stop.

At Ceres, the Olean Street railway (electric) crosses wye tracks: no derailing switches and no trolley protection; conductors of electric line pilot their cars across the steam road tracks; at White House, Pennsylvania railroad, Buffalo division: crossing interlocked and maintained by Pennsylvania railroad.

The right of way is in good condition. The approaches of highway crossings are generally well graded and planked; there are 12 on main line, 14 on Olean branch, and 9 on Hornell branch; all provided with crossing-signs and cattle-guards. At Canaseraga, the Church Street crossing is protected by a flagman.

Trains are operated by train orders and time limit.

There is but one overhead obstruction on this line: an overhead bridge of less than 21-ft. clearance, on the wye branch siding connection with the Pennsylvania railroad, Olean; it is provided with warning guards; would require a survey to determine cost of raising it to clear 21 ft.

The stations are in good condition and the "housekeeping" good; drinking water and toilet facilities provided; the station at Olean is a model of its kind.

The repairs and improvements noted are about 2500 yards ballast on main line; none on branches. The bridges on the main line have been extensively replaced and repaired, as follows: No. 1.9, 74 ft., 5 spans wood trestle filled, with a 48-in. castiron pipe and a line of 24-in. tile for passage of water; No. 7.4, 112 ft., 8 spans wood trestle, filled; No. 12.3, 6 ft. wood cattle-pass replaced by a rail top concrete box; No. 12.6, wood stringers renewed; No. 13.7, 32-ft. wood bridge replaced by concrete masonry; No. 15, 14-ft. wood trestle, No. 15.7, 8-ft. wood trestle, No. 16.8, 14-ft. wood trestle, No. 17.4, 11-ft. wood trestle, No. 19.4, 8 ft. wood cattle-pass, all replaced by steel bridges; No. 26.6, 46-ft. wood trestle replaced by a 5 x 6 in. wood box and filled; No. 31.2, 40 ft., 3 spans wood trestle, replaced by 30-ft. clear span through plate girder; No. 61.3, 57 ft., 6 spans wood trestle, replaced by 40-ft. clear span through plate girder; No. 62, 2 spans 23.5 ft. over all, replaced by steel 16-ft. clear span 20 ft. over all; No. 64, 15-ft. wood span, replaced by I-beams 12-ft. clear span 15.5 ft. over all. On the Olean branch, No. 72.8, stringers renewed. On the Hornell branch, No. 13, 10.5 ft., 1 span trestle, replaced by I-beams 5-ft. clear span; No. 15.7, 26.2 ft. trestle replaced by 20-ft. clear span deck plate girder; No. 19.1, 16.33-ft. wood span, filled. New depot at Parkinsville; new shelter depot at Garwoods; new shelter depot at

Swains; Canaseraga depot repaired; Stony Brook Glen depot re-painted. Yard extension at Angelica; siding lengthened at West Notch; passing siding lengthened at Bolivar.

Recommendations: That under-drainage be resorted to freely.

The recommendations of last year seem to have been carried out.

W. L. DERR,
Inspector Steam Railroads.

RUTLAND RAILROAD.

Inspected October 12, 13, 1909. Last previous inspection October 9, 10, and 18, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the lines of the Rutland railroad in New York state and respectfully submit the following report:

Ogdensburg and Lake Champlain Division.

This division is single track and extends from Ogdensburg to Rouses Point, 118.8 miles; it has 38.18 miles of yard tracks and sidings. The alignment is good, the maximum curve being 2 degrees 30 minutes, at Malone. The maximum grade westbound, Brandy Brook to Clinton Mills, 2 miles long, is 44 ft. per mile; eastbound, Moira, 2.5 miles long, 30 ft. per mile. The cuts and embankments are generally of good cross-section and the surface drainage in fair condition.

The steel and iron bridges are in good condition. There are no wooden truss bridges; such wooden bridges as remain carry highway and farm crossings and are in good condition. Where overhead bridges do not clear the tracks 21 ft. they are provided with warning guards. The one timber trestle is at Rouses Point, across part of Lake Champlain; there are 2100 ft. in New York state, the balance being in the State of Vermont; it is in good condition. The open culverts and cattle-passes are in fair condition, the masonry of some being in need of rebuilding, although safe for the passage of trains. Considerable renewal of masonry has been done this season and more is in progress. The arch, box, and pipe culverts are in fair condition and free of obstructions to the passage of water.

The dimensions of the cross-ties are 6 x 8 in., 8 ft. long, laid 2992 per mile of track. The approximate proportions of the various kinds of ties are cedar 50 per cent, chestnut 30 per cent, oak 10 per cent, and yellow pine 10 per cent. The rail and fastenings are: 78.125 miles 80 lbs., 36-in. and 40-in., 6-hole angles; 26.395 miles 80 lbs., 36-in., 6-hole angles; 9.82 miles 72 lbs., 24-in., 4-hole angles; 3.31 miles 75 lbs., 24-in., 26-in., and 30-in., 4-hole angles; the rail is in fair condition and fully bolted. All main-track switches are split point and the switch stands are provided with targets and lamps. Derailing switches are used where they seem necessary.

The ballast is largely of gravel and engine cinders in good quantity; some stone ballast is used in wet rock cuts. The alignment and surface are fair. The average length of sections is 5 miles, with a force of a foreman and 4 men per section. Caution signs, bulletin notices, flags, and torpedoes are used in the protection of track work, and all gangs appear to be furnished with the necessary appliances for signaling trains to stop. Sections are patrolled daily by members of gang.

The grade crossings of railroads are as follows: Delaware and Hudson railroad, Rouses Point, 1 track: no interlocking, ball signal, trains stop before crossing; Delaware and Hudson railroad, Mooers Junction, 1 track: no interlocking, ball signal, trains stop before crossing; St. Lawrence and Adirondack railway, Malone Junction, 1 track: no interlocking, ball signal, trains stop before crossing; New York and Ottawa railway, Moira, 1 track: no interlocking, a double junction, New York and Ontario uses about 400 ft. of Rutland line; Rome, Watertown and Ogdensburg railroad, Norwood, 1 track: no interlocking, tilting board semaphore, trains stop before crossing. There is an interlocking plant at Rouses Point drawbridge, 8 levers (partly in State of Vermont).

The right of way is generally in fair condition, and the fences are being repaired where needed. The highway grade crossings have well graded approaches and the planking is in good condition; there is a total of 117, of which 3 are protected by flagmen, 1 by bells, and 113 unprotected; all are provided with crossing-signs.

Trains are operated under the time limit system and by train orders.

The station buildings are generally in good condition and appear to be of sufficient size to take care of the travel.

The repairs and improvements noted are: about 10 per cent of tie renewals have been made during the past season; rail renewed, 8.62 miles 80-lb., replacing 72-lb. and 75-lb.; ballast, 3 miles cinders; bridge No. 370, wood, replaced by steel structure; ties and guard-rails renewed on a number of bridges and material distributed for renewing same on a number of other bridges; bridge No. 366 replaced by a 30-in. iron pipe; 4 miles fence built and 1 mile repaired; extensive repairs to engine houses at Malone and Ogdensburg; rebuilding No. 8 warehouse at Ogdensburg under way; track extensions, all account of creamery tracks, Ellenburgh, 350 ft.; Burke, 620 ft.; Chateaugay, 600 ft.; Brushton, 637 ft.; Winthrop, 530 ft.; Madrid, 400 ft.; and Lisbon, 550 ft.; total of 3687 ft.

Recommendation: That deeper side ditches and under-drainage be resorted to.

Chatham Division.

This division is single track and extends from the Vermont-New York boundary line to Chatham, connecting with the Boston and Albany railroad at the latter point; it has 51.29 miles of main track and 4.84 miles of sidings. The line is pretty generally curved, that part south of Petersburgh Junction being less curved than the part north of that point: the maximum curve is 9 degrees, at Chatham, and there are several curves of 5 degrees 40 minutes. The maximum grade southbound, at Berlin, is 1.24 per cent, 65.67 ft. per mile, 3 miles long, and the maximum grade northbound, near Old Chatham, is 1.3 per cent, 69 ft. per mile, 1.5 miles long. The cuts and fills are generally of well developed cross-section and the cuts are surface drained.

The steel and iron bridges are in fair condition. Bridge No. 1, deck truss, just north of Chatham station, appears to be light for carrying the present engines and cars passing over it. There are no wooden truss bridges in the main track; such structures are confined to the highway and farm crossing bridges. All the overhead bridges except one clear the tracks at least 21 ft., and this is provided with warning guards. The timber trestles are generally in fair condition except the one just south of Brainard on a heavy fill, which is light for the service, and unless it is filled — which it is understood is contemplated for next season — it should be rebuilt with modern floor system. The open culverts and cattle-passes are in fair condition. The arch, box, and pipe culverts are in fair condition and free of obstructions to the passage of water.

The cross-ties are 6 x 8 in., 8 ft. long, about 2992 per mile; approximate proportion of various kinds of ties is cedar 30 per cent, chestnut 40 per cent, oak 15 per cent, and yellow pine 15 per cent. The rail and fastenings are 8.475 miles 72 lbs., 24-in., 4-hole angles; 24.120 miles 75 lbs., 24-in., 4-hole angles; 18.695 miles 56- and 60-lbs., 20-in. and 24-in., 4-hole splices. The rail is in fair condition. All main-track switches are split point and the switch stands are provided with targets and lights. Frogs generally are rigid. Derailing switches are apparently used where needed. Frog and switch work generally is good.

The ballast is gravel and not always of full quantity, although the extensive re-ballasting in progress at the time of the inspection would indicate much improvement by the close of the working season. The alignment and surface of the main tracks though much improved during the past season are still below the standard. This condition is largely due to the light quality of ballast and to lack of proper drainage. Sub-drainage is needed in many of the through and side-hill cuts and until this is done much of the expenditure on ballast, line, and surface is practically without permanent results. The average length of sections is 5.5 miles, with a force of a foreman and 4 men

per section. Caution signs, bulletin notices, flags, and torpedoes are used in the protection of track work, and all gangs appear to be furnished with necessary appliances for signaling trains to stop. Each section is patrolled daily by a member of its gang.

The line is crossed by the Boston and Maine railroad at grade at Petersburgh Junction: the crossing is provided with interlocking, a plant of 10 levers, maintained by the Boston and Maine Railroad.

The right of way is generally clear of unnecessary growth. The fences have been materially improved this season but there remains considerable fence repairing yet to be done. The highway crossings are well graded and planked. There is a total of 58, 1 protected by a flagman, and 57 unprotected; all are provided with crossing-signs.

The time limit and telegraphic train orders are used in the movement of trains.

The station facilities do not appear to be fully adequate, and the station platforms are in need of considerable revision both as to length and height.

The repairs and improvements noted are rail laid, 13 miles of 75-lb. and 2 miles of 72-lb., replacing 56-lb.; 3 miles of cinders put in, and considerable gravel ballasting in progress; bridge No. 1, masonry repaired; Nos. 3, 4, 7, 8, and 20, rebuilt; No. 17, piling renewed and helper posts placed in a number of bents; No. 18, new ties and guard-rail; No. 11 replaced by a 36-in. iron pipe and opening filled; No. 42 re-painted; Rayville station repaired and painted; 5 miles fence built.

Recommendations: That the drainage of the roadbed be given more attention, especially in the matter of under-drainage; that the line and surface of the main tracks be improved; that a survey of bridge No. 1, Chatham, be made to determine whether that structure is in condition to carry such loads as are passing over it now or are likely to pass over it during the time it will remain in use; that the station platforms of the more important stations be raised at least to the top of the main track rails, and that they be lengthened to at least three car lengths.

Addison Branch.

Has 0.82 mile in State of New York, with 0.83 mile of yards and sidings. There is a maximum curve of 4 degrees at the west end of trestle. The line is practically level. The roadbed is in good condition and fair drainage. There are no bridges. There is a timber trestle across Lake Champlain, about 300 ft. in the State of New York, with drawbridge. There are no open culverts or cattle-passes, and but 1 stone box culvert, in good condition and free of obstructions to the passage of water.

The dimensions of cross-ties are 6 x 8 in., 8 ft. long, laid 2640 per mile; in fair condition. The rail in main track is 56 lbs., with 24-in., 4-hole bars. Stub switches and rigid switch stands, with targets and lights. Rigid frogs. No derails appear to be necessary. The ballast is gravel and cinders, and the alignment and surfacing are fair. The right of way is in good condition. There is 1 unprotected highway crossing, provided with crossing-sign.

Trains are handled by telegraphic orders and time limit.

Repairs and improvements are about 12 per cent ties renewed; Ticonderoga trestle extensively repaired and repairs still in progress; new ice house built at Ticonderoga.

W. L. DERR,
Inspector Steam Railroads.

SCHOHARIE VALLEY RAILWAY.

Inspected June 16, 1909. Last previous inspection August 11, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Schoharie Valley railway and respectfully submit the following:

The line extends from Schoharie to Schoharie Junction, where it connects with the Delaware and Hudson railroad. It is single track, standard gauge, 4.38 miles of main track and 1 mile of sidings. The cross-ties are principally

oak and laid 13 to a 30-ft. rail. Rail 56 and 60 lbs., connected with 24-in. angle and 18-in. fish plates with 4 bolts. The ballast is stone, gravel, and cinders. There are 5 bridges with total length of 159 ft.; 2 public and 4 private highway crossings. The section force is a foreman and 3 men. There are 3 station buildings: 1 passenger, 1 freight, and 1 combined passenger and freight. The rolling stock consists of 1 locomotive and 1 passenger car, and the train and engine crew, except the conductor, also run the trains on the Middleburgh and Schoharie railroad.

The rail and splices are not badly worn, but much of the rail is bent in line and surface through not being well maintained. This is due largely to an insufficient quantity of ballast to keep the track in line and surface. Some of the rail is in short lengths and in one instance a piece about three feet long was found in the main track. It was promised that this condition would be remedied at once. Short rails are harder to maintain than longer ones and are much more likely to cause trouble by their tendency to move out of line and surface and "kick" out of the track. The line is ballasted with some stone, but mostly with gravel, engine cinders, and earth. An expenditure of three hundred to four hundred dollars per mile in ballast, with aligning and surfacing of track incident to the work of ballasting, would show good returns on the investment in the way of labor and materials saving within a few years. The drainage on the whole is fair, but could be improved by widening the side ditches in the cuts. The switches and frogs are in need of some repairs, such as readjustment of line and surface, tightening of bolts, etc., and the frog in main track just south of Schoharie Junction station building should be replaced.

The principal traffic points on this line are Schoharie and Schoharie Junction. Schoharie has a brick passenger station with a waiting room and office and a high platform (about the height of a passenger-car platform). The freight house is of wood and in fair condition. There is one freight house track and 5 industrial sidings. Schoharie Junction (the junction with the Delaware and Hudson railroad) has a wooden combined passenger and freight station, one waiting room, and building is in fair condition. Its passenger platforms need some repairs.

The view of the track approaching the two public highway crossings, one at Schoharie and the other about a-half mile south of Schoharie Junction, is somewhat obscured and the crossings are without whistle-posts; posts should be provided at once and instructions issued to sound the standard whistle signal by engines of approaching trains.

Of the 5 bridges on this line only one, a wooden Howe truss about a mile north of Schoharie, deserves special mention: this bridge consists of 11 panels about 9 ft. 2 in. each, or a total length of bridge of about 100 feet; total cross-section of timber in chords, 13 x 22 in.; 4 floor beams 7 x 14 in. per panel; some of the floor beams have been reinforced by 3 in. and 4 in. by 14-in. plank nailed to their sides; the track rails are carried directly by two longitudinal stringers resting on the floor beams; no track ties. This structure is said to be more than forty years old; the timber in it appears sound, but this can not be said with certainty until a detailed inspection is made, which should include the boring of holes in the various wooden members in order that some knowledge of their interior may be had. The general design of this bridge was good for the time it was built and for the weight of the power then in use, but the weight of power — even the comparatively light power now in use on this line — has outgrown the bridge. But aside from the question of the weight of power, the weight of cars has increased so much in the past decade that their wheel loads are in excess of the engine driving wheel loads of the days when the bridge was built. A faulty point in the bridge design is the carrying of the track rails on longitudinal stringers without the interposition of cross-ties; this arrangement does not admit of the holding of the rails to correct gauge. But its greatest fault is that in the event of a derailment on the bridge there are no guard timbers — and nothing else worth mentioning — to prevent the derailed train from colliding with the trusses, with the more than probable result of the wrecking of the bridge. I recommend that a detailed survey of the structure be made at once to determine

whether it is in condition to carry the power and heavy freight cars now passing over it. It may be found that a heavy trestle bent, placed from ten to twenty feet from each abutment, will help out the situation temporarily, but such method of strengthening a structure is only a makeshift at the best, and is always subject to damage from ice and floods. The ballast walls and bed plates need some renewing and rearranging, and the track over the bridge is not well spiked; all of which was pointed out on the ground to the foreman who accompanied the inspection party as the railroad company's representative, and who promised to make those necessary repairs at once.

At Hallenbeck's station there is an overhead bridge carrying a highway crossing and having a clearance above the top of railroad rail of about 15 ft. 3 in., and 14 ft. width of roadway; it is in poor condition and should be rebuilt within the next two years.

There are no fire extinguishing apparatus in the various buildings; and these, in the form of fire buckets or hand chemical fire extinguishers, should be provided.

The physical condition of the line appears to be such as to allow a maximum speed not exceeding 15 miles per hour excepting the Howe truss bridge above mentioned, where the speed should be limited to not exceeding 8 miles per hour for engines running forward and not exceeding 5 miles per hour for engines running backward.

A general fault with this line, and similar small lines, is in not using sufficient materials to make good the amount spent for labor; money spent for labor that is not backed by sufficient materials to make the labor expended count to good advantage, is more than half wasted.

W. L. DERR,
Steam Railroad Inspector.

SILVER LAKE RAILWAY.

Inspected June 22, 1909. Last previous inspection July 28, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Silver Lake railway and respectfully submit the following report:

The Silver Lake railway is a single-track road; it connects with the Buffalo division of the Erie road and the Silver Springs branch of the Buffalo, Rochester and Pittsburgh railway at Silver Springs and extends to Perry, a distance of 6.86 miles, and has approximately 1.5 miles of sidings and yard tracks. The general alignment is good; grades and curves light. The roadway is properly graded and cuts well ditched.

There is 1 iron bridge: it is a deck plate girder, 27 ft. in length, resting on pile bents which have been renewed since the last inspection; this bridge crosses the outlet to Silver lake. On a track leading to coal trestle at the Perry end of the road there is another light plate girder bridge which spans a traveled road; this bridge rests on bents and is not operated over by trains, being used only in placing cars on the trestle; the bridge is rather light, but sufficient for the purpose used. The only other opening to grade is a small open culvert of 4-ft. span, with timber stringers, proper ties and guard timbers, all in good condition.

The cross-ties are mixed oak and cedar, 7 x 9 in., 8½ ft. in length, and laid at the rate of 2816 to the mile of track; they are in good condition, very well spaced and full spiked; necessary renewals have been or are being made. There are in the track about 2½ miles of 80-lb., 0.50 mile of 71-lb., and 3.86 miles of 60-lb. steel rail, all connected by angle plates 26 in. in length with 4 bolts; the 80-lb rail is in very good condition; the 71-lb. rail is somewhat worn, and the 60-lb. rail considerably worn. All the connections are full bolted and bolts tight. The main-track switches are split point with rigid stands and proper targets. Switch lamps are not used, no night trains operated. The frogs are rigid. No places were observed where derailing switches appear necessary. The track is lightly ballasted with gravel and cinders. The alignment and surfacing of track are fair, and the outer rail

on curves properly elevated for the speed at which trains operate. The section force consists of a foreman and 7 laborers, and the road is patrolled daily by some member of the section force.

The right of way is cleared and fairly clean. The fences are of wire and somewhat out of repair. The highway crossings are properly guarded, planking in good condition, and are protected by signs of the diamond and triangular form. Cattle-guards are not generally used, nor apparently necessary.

The only station at which an agent is employed is at Perry. This is a frame building in good condition and suitably furnished; it has a plank platform, well worn, and now being replaced with concrete.

Regarding the recommendations made in report of last inspection: New pile bents have been put in at the plate girder bridge as recommended; some repairs have been made to fences; no additional cattle-guards have been put in, and it does not appear to your inspector that there is a necessity for them, although required by law.

Recommendations: That the worn 60-lb. rail be replaced as necessary, and that the fences be put in proper condition.

J. D. SHULTZ,
Steam Railroad Inspector.

SKANEATELES RAILROAD.

Inspected November 3, 1909. Last previous inspection July 21, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Skaneateles railroad and respectfully submit the following report:

The Skaneateles railroad connects with the Auburn branch of the New York Central and Hudson River railroad at Skaneateles Junction and extends to the village of Skaneateles, a distance of 5 miles, and has approximately 1 mile of sidings and yard tracks. The road for a large portion of its length is very crooked and has sharp curves, the maximum being 15 degrees. The grades are considerably broken and in places steep, the maximum being apparently about 80 ft. per mile. The road is constructed for much of the distance alongside a highway. There are no extensive cuts or high embankments, and all are of proper width and slopes, and the roadway is well drained.

There are no steel or iron bridges. The outlet to Skaneateles lake is crossed a number of times on trestle structures consisting of framed bents and having masonry abutments; at most of these crossings there are from 3 to 4 spans of trestle and they are all low structures; they are of standard construction, and have proper stringers, ties, and guard timbers, generally in from fair to good condition; 3 have been renewed since the last inspection and necessary repairs made to others; 1 was noted, and attention called to it, that needs new guard timbers. The total number of trestles is 11. There are 6 open culverts and cattle-passes, with masonry abutments and standard ties and guard timbers, in proper condition. There are no arch culverts. The box culverts and pipe drains are apparently in good condition.

The cross-ties, about 50 per cent yellow pine and the remainder mixed oak and chestnut, are 6 x 8 in., 8 ft. in length, and laid at the rate of from 2816 to 3000 to the mile of track; their condition has been materially improved and about 20 per cent have been renewed since the last inspection. About 0.75 mile of track is laid with 70-lb. and the balance with 56-lb. steel rail; the 70-lb. rails are connected by angle plates 36 in. in length and the 56-lb. by angle plates 24 in. in length, having 4 bolts to the joint; the rail is in fair condition for the light traffic and moderate speed maintained. A few cracked angle plates were noticed, and attention directed to them, and a few bolts were missing. In some places half angle plates are used with but 2 bolts to the joint, which should be replaced with full length angle plates fully bolted. About one-half the switches are split point and the remainder stubs; the split point switches have automatic stands or spring in head rod rendering the switch automatic; the stub switches have rigid stands and most of them show position of switch by the position of target instead of by its color. Switch

lamps are not used, no night trains being operated. Your inspector was advised that split point switches had been ordered with which to replace the stub switches. The frogs are rigid. Derailing switches are in the sidings where their use appears necessary.

The track is lightly ballasted with gravel. The alignment and surfacing of the track are very good, and the outer rail on curves properly elevated for the moderate speed at which the trains are run. The track is maintained by a force consisting of a foreman and 5 laborers; they are furnished with the necessary means for protecting their work.

The right of way is in fair condition. Very little fencing is maintained or apparently necessary. The highway crossings are well graded, properly planked, and protected by signs of the half-oval form, suitably located and well painted. No cattle-guards are maintained nor apparently necessary. There are 7 highway grade crossings, protected by crossing-signs only.

The movements of trains are governed by the telegraphic train order system.

At Skaneateles there is a good passenger station: it is a frame building and has plank platforms. The road also has at Skaneateles a proper freight house, and at two other points on the line of the road small freight buildings, but there are no other regular stations; trains, however, stop for passengers at various points. At Skaneateles Junction the station buildings of the New York Central and Hudson River railroad are used.

Recommendations: That new guard timbers be put on the trestle, to which attention was directed; that the cracked angle plates and also the short length ones be replaced with full length plates, and that all be full bolted; that the stub switches be replaced with split point switches.

The recommendations contained in report of last inspection have been complied with except that some of the hali length angle plates yet remain and the stub switches have not all been replaced; but I am advised that they will be in the near future.

J. D. SHULTZ,
Steam Railroad Inspector.

SOUTH BUFFALO RAILWAY.

Inspected June 2, 1909. Last previous inspection July 31, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the South Buffalo railway and respectfully submit the following report:

The South Buffalo railway connects with the Buffalo Creek railroad at Buffalo Creek Junction and extends to a connection with the Lehigh and Lake Erie railroad at West Seneca, a distance of 5.91 miles, and has 9.07 miles of sidings and yard tracks. It also operates about 42 miles of leased track in and about the Lackawanna Steel Works. The road is nearly all on embankment; it is well graded and properly drained.

The steel and iron bridges are in first-class condition, have good masonry and standard ties and guard timbers well maintained, and inside guard-rails on all. There are no wooden bridges. There is in the main track 1 timber trestle consisting of 7 spans, of standard construction and in first-class condition. One timber trestle has been replaced since last inspection with a plate girder bridge on concrete masonry. There are no open culverts or cattle-passes, and no arch culverts. The box culverts and iron-pipe drains are properly maintained.

The standard cross-ties are 6 in. in thickness, 6 in. face, and 8 ft. in length, all oak, and laid at the rate of 2816 to the mile of track; they are well spaced and full spiked and in thoroughly sound condition. The road has been in operation but a few years and very few renewals have as yet been necessary. The track is laid entirely with 80-lb. steel rail, connected by angle plates 24 in. in length with 4 bolts; the rail is in proper condition, all connections full bolted and bolts tight. About 1¼ miles of new rail have been laid since last inspection, replacing rails that had become somewhat worn. The main-track switches are split point and have automatic stands and suit-

able targets. Switch lamps show red light for danger and green for safety. The main-track frogs are mostly spring rail and in good condition. No sidings were observed where derailing switches appear necessary. The track is properly ballasted with gravel and cinders. The alignment and surfacing are good, and the outer rail on curves properly elevated for the speed at which the trains operate.

Two tracks connecting the Buffalo, Rochester and Pittsburgh and the Delaware, Lackawanna and Western railroad yards near the connection with the Buffalo Creek are crossed at grade: the crossings are protected by tilting board signals, and all trains are required to come to a full stop; a switching track of the Buffalo, Rochester and Pittsburgh railway is also crossed at grade near the same place: the crossing is protected by a semaphore signal, and all trains are required to come to a full stop.

The right of way is in suitable condition; fences are not maintained nor are they necessary, as no live stock is kept in the vicinity of the road. There is but one grade crossing of a highway; it is properly graded, well planked, and protected by signs of the diamond form.

The movements of trains are governed by the telephone train order system.

No stations are maintained, the road being engaged almost entirely in switching business between the steel works and the various railroads with which it connects; the road does, however, run 4 passenger trains each way daily, almost entirely for the employees of the railroads and the steel works, to and from Buffalo, these trains running to the Buffalo station of the Delaware, Lackawanna and Western railroad over the tracks of that railroad from a connection made at a point about two miles east of Buffalo station.

The road is in first-class condition for the purpose used and no recommendations appear necessary.

J. D. SHULTZ,
Steam Railroad Inspector.

STERLING MOUNTAIN RAILWAY.

Inspected June 22, 1909. Last previous inspection October 22, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: Having inspected the Sterling Mountain railway I respectfully submit the following:

The road is single track, standard gauge, and extends from Sterlington to Lakeville, 7.6 miles, with 1 mile of sidings. There is a maximum curve of 9 degrees, and a maximum grade extending west of 176 ft. per mile. The ties are 6 x 6 in. and 6 x 8 in., 8 ft. long, laid 2640 to mile of track. The rail is 56 lbs. and 60 lbs., connected by angle and Fish plates 24 in., 4 bolts. A telephone line extends the length of the road. The bridges are wood, 8 in number, with total length of 181 ft. There are no crossings except 5 highway grade and 11 private grade. There is a turntable at Lakeville and another at Sterlington, each 45 ft., castiron. The rolling stock consists of 2 locomotives; no cars. The section force is a foreman and 5 men.

The road does no passenger business; it is principally engaged in the handling of iron ore from the mines at Lakeville, its western terminal, delivering the same to the Erie railroad, with which it connects at Sterlington. The marked features of the road are its heavy grades and curvature; the grades however are descending from the mines, that is in favor of the loaded traffic, and the resistance due to curvature assists in the braking of the descending or loaded trains. The rail while light in weight is in fair condition and nowhere shows undue wear. The main track requires an average of at least 400 ties per mile, which I am assured will be put in this year. The drainage system, including pipe culvert cross drains, is good.

The bridges, all wood, are in fair condition, with the exception of one 16-ft. opening about half way between Sterlington and Lakeville, but the material for the renewal of it is now on the ground and the work is to be commenced at once.

The highway grade crossings, except 2 near Sterlington, generally approach the railroad on heavy grades, but owing to curvature and the general features of a mountainous country they are visible from an approaching train for a short distance only; 2 of them, about a thousand feet apart, 3 miles west of Sterlington, could be eliminated by changing the highway road to the north side of the railroad track; the crossings are well planked and otherwise in fair physical condition. No cattle-guards nor whistling-posts are provided.

The split switch is used in main track and automatic switch stands are in general use. A derail switch, set normally in the run-off position, is maintained at the east end of Lakeville yard, to stop cars in the event of their running away.

The ballast is gravel and engine cinders and not of full quantity in many places. The lack of ballast naturally gives rise to irregular line and surface of track, thus adding to the cost of maintenance of both track and equipment.

The right of way is fenced more or less through private property, but not through the mining company's property, through which more than half the line extends.

There is a station building at Sterlington, a wooden structure, combined passenger and freight, and containing also the general superintendent's office.

The track and bridges appear to have been fairly maintained, and the recommendations in the last previous report, except as to cattle-guards, have been complied with.

It is recommended that at least 400 ties per mile be put in main track this season; that cattle-guards be placed at each highway crossing; that fences, especially through private property, be maintained in good condition; and that whistling-posts be placed the required distance on each side of all highway grade crossings.

W. L. DEBR,
Inspector of Steam Railroads.

TUNESASSA AND BRADFORD RAILROAD.

Inspected November 5, 1909. Last previous inspection August 28, 1907.

To the Public Service Commission, Second District:

GENTLEMEN: I have inspected the Tunesassa and Bradford railroad and respectfully submit the following report:

The Tunesassa and Bradford railroad extends from a point about a mile south of Quaker Bridge station, Allegheny division of Pennsylvania railroad, to the mills, a distance of 5 miles; it has about 2 miles of sidings and yard tracks. The alignment is somewhat curved and the grades are heavy. The line lies in a fairly wide valley and has few cuts and embankments of any size. The natural drainage is good.

There are no bridges. There are 6 timber trestles, all in fair condition. There are 4 open culverts and cattle-passes, all of rough timber construction, and in fair condition except the third one from the mill going toward Quaker Bridge, which should be renewed. There are no culverts.

The cross-ties are in fair condition, as well as the rail, fastenings, and other track fixtures. The line being merely a sidetrack to a saw mill, on which no passenger service is operated, it may be said to be in condition to handle the service moving over it. The alignment and surfacing are fair. The section force is a foreman and 3 men.

There are no grade crossings of railroads. The right of way is in fair condition. The highway crossings are in fair condition as to grading and planking; there are 3, unprotected.

Only one train at a time is moved. Stations are not needed, as only a lumber business is handled.

The needed repairs seem to be taken care of.

Recommendation: That third bridge opening south of the mill be renewed.

J. D. SHULTZ,
Inspector Steam Railroads.

ULSTER AND DELAWARE RAILROAD.

Inspected August 10, 11, 12, 1909. Last previous inspection October 15, 16, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Ulster and Delaware railroad and respectfully submit the following report:

The main line extends from Kingston Point on the Hudson river to a connection with The Delaware and Hudson Company's railroad at Oneonta, 107.26 miles main track and 26.92 miles sidings and yard tracks. The Stony Clove and Kaaterskill branch connects with the main line at Phœnicia and extends to Kaaterskill, 19.04 miles main track and 2.46 miles sidings and yard tracks. The Hunter branch connects with the Stony Clove and Kaaterskill branch at Kaaterskill Junction and extends to Hunter, 2.6 miles main track and 0.63 mile sidings. All are single-track roads. The main line and also the branch lines are constructed through a mountainous country, and the road is very crooked, with many sharp curves; the grades are steep and long, a large portion of all lines being on grade. On the main line, east of Grand Hotel station, there is a maximum curve of 12 degrees and a maximum grade of 153 ft. per mile for 3600 ft.; on the Stony Clove and Kaaterskill branch, between Louisville and Edgewood there is a maximum curve of 12 degrees and a maximum grade of 187.4 ft. per mile for 3100 ft.; on the Hunter branch the third curve north of the junction is 10 degrees, and at Kaaterskill Junction there is a maximum grade of 184.8 ft. per mile for 2200 ft. The roadway of main line and branches is very well graded; a few cuts on the main line near the westerly end are somewhat narrow: their condition, however, has been improved, considerable widening having been recently done; the ditches are thoroughly clean.

The steel and iron bridges are in good condition and generally well painted, considerable re-painting having been recently done. The masonry to all the bridges on the main line is in very good condition; that to Nos. 108 and 109 on the Stony Clove and Kaaterskill branch has been damaged to some extent about the foundation and should be repaired. The ties and guard timbers are of standard dimensions and well maintained. Inside guard-rails are only placed on the longer structures. The only wooden bridges are those carrying highways and farm roads over the railroad; they are in proper condition and all less than 21 ft. above the track are protected by warning signals properly maintained.

There are 9 overhead obstructions less than 21 ft. above the rail: No. 1, a tunnel under Hasbrouck avenue, Kingston, 246 ft. in length with 15 ft. 5 in. clearance; No. 2, a wooden bridge at Elmendorf street, Kingston, 15 ft. 5 in. clearance: there are numerous houses close to the track and it would be difficult to raise this structure; No. 3, at Albany avenue, Kingston, 16 ft. ½ in. clearance: the same remarks apply as to No. 2; No. 4, the portals to a through bridge about one mile west of Kingston, 17 ft. 1 in. clearance; No. 5, at an unimportant highway about two miles west of Kingston, a wooden bridge: grade on south side steep down hill approaching railroad, on opposite side steep leaving railroad, clearance 15 ft. 5 in., difficult to raise; No. 6, a highway near Boiceville, wooden bridge, clearance 19 ft. 8 in., not difficult to raise; No. 7, overhead highway bridge with clearance of 20 ft. 6 in., already affords clearance for the highest cars now in use; No. 8, overhead bridge, wood, near Grand Hotel station, clearance 20 ft. 4 in., not difficult to raise; No. 9, overhead bridge, wood, South Gilboa, clearance 16 ft. 6 in., could be raised but would require quite extensive filling.

There are nine timber trestles yet remaining in the main line roadway between Bloomville and Oneonta; they are all low structures, mainly with pile bents, and consisting of from 2 to 15 spans each; they are getting old and should be extensively repaired, rebuilt, or replaced within a year. There are no trestles on the branch lines. All open culverts and cattle-passes have stone masonry, and most have I-beam or rail stringers; a few timber stringers yet remain. They are in good condition except that the masonry to quite a number of them is failing, that to Nos. 43, 52A, 55A, 59A, 60A, and

64A of the main line being specially poor, and in most cases the stringers are supported on bents placed between abutments; the masonry to these should be promptly rebuilt. The ties and guard timbers are of standard dimensions and well maintained. The open culverts and cattle-passes of the branch lines are in good condition. The stone arch and box culverts and iron-pipe drains are apparently in good condition.

The cross-ties are 6 x 8 in., 6 x 9 in., and 7 x 9 in., 8 ft. long, and are laid at the rate of 2816 to the mile of track; about 93 per cent of them are yellow pine and the balance mixed oak, chestnut, and cypress; they are very well spaced, full spiked, and the general condition is good. Tie-plates and rail-braces are used on sharp curves. The main line has 54.75 miles 62-lb., 6.84 miles 70-lb., and 45.67 miles 90-lb. rail, while the Stony Clove and Kaaterskill branch has all 90-lb., and the Hunter branch all 62-lb. rail; the 62-lb. rail is connected by angle plates 22 in. long with 4 bolts, the 70-lb. rail with angle plates 24 in. long, 4 bolts, and the 90-lb. rail with angle plates 30 in. long and 6 bolts. The 90-lb. rail is in first-class condition and the 70-lb. in good condition; the 62-lb. rail has been in use a considerable time and is somewhat worn, and some renewals will be needed. All the connections are full bolted and no loose bolts were observed. All main-track switches are split point and have automatic stands with targets properly painted. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. The frogs are rigid and well maintained. Derailing switches are in all sidings where their use appears necessary, and stands have proper targets.

The tracks are ballasted with gravel and cinders. The easterly end of the main line from Kingston Point to Oneonta is fairly well ballasted; from Arkville to Oneonta the ballast is light. The Stony Clove and Kaaterskill branch is generally fairly well ballasted. The Hunter branch is lightly ballasted. The alignment and surfacing of the track of both main line and branches are good, and the outer rail on curves properly elevated for the speed at which the trains are scheduled. The track sections of the main line are about 4.7 miles in length and of the branch lines 4.1 miles, and the force employed upon each consists of a foreman and 3 laborers in winter and a foreman and 6 laborers in summer; each gang is furnished with flags, lanterns, and torpedoes for protecting its work. All portions of the road are patrolled daily, and regular track-walkers or slope watchmen are maintained on the Pine Hill grade at a shelly rock cut west of Davenport on the main line and at Stony Clove on the Stony Clove and Kaaterskill branch.

A single track of the Kingston Consolidated railroad (electric) is crossed at grade on the following named streets: Strand street, Lower Hasbrouck avenue, Upper Hasbrouck avenue, and Prince street. On Strand street there are no derailing switches in the track of the electric road, nor protection over the trolley wire; there is no flagman at the crossing and the cars of the electric road do not come to a stop before crossing the track of the steam railroad. At Lower Hasbrouck avenue there is a derailing switch on the side where the grade descends toward the crossing and a wire netting over the trolley wire, but the netting is too short; at this crossing a flagman is maintained by the railroad company between the hours of 7 a. m. and 6 p. m. At the crossing on Upper Hasbrouck avenue the conditions are the same; also on Prince street. Two tracks of the West Shore railroad are crossed at Kingston: this crossing is protected by an interlocking plant and the trains of the Ulster and Delaware railroad come to a full stop before crossing, there being no distant signals on that line.

The right of way is free from trees, brush, and rubbish. Fences are principally of wire, with a little stone wall; opposite grazing land they are fairly maintained; where the road runs through the forest fences are not generally maintained or apparently necessary. The highway crossings are well graded, planking in good condition, and are protected by signs of the triangular form, suitably located and well painted; 15 highway crossings of the main line are protected by flagmen, the remaining 93 by crossing-signs only. The 13 crossings of the Stony Clove and Kaaterskill branch, also the 3 of the Hunter branch, are protected by crossing-signs only.

Automatic electric block signals are in use governing the movements of trains between Kingston and Phœnicia, a distance of about 25 miles; on the remainder of the main line and the branch lines the train movements are governed by telegraphic train order system; semaphore signals are in use at telegraph stations, and at these points trains are spaced not less than 5 minutes apart.

The station buildings are in very good repair; they are clean and neat and properly furnished. Many of them are small, but from what observation I was able to make I did not ascertain that any of them were inadequate except at Haines Falls on the Stony Clove and Kaaterskill branch, and I am informed there is to be a new station erected there in the near future. The station platforms are of plank and gravel. Time-tables are posted in the waiting rooms and water for drinking is provided. At stations where there is a water system there are sanitary closets; at others, outside closets, fairly well kept. Station and train employees are uniformed and wear badges indicating employment.

The general condition of the property has been improved since the last inspection. Some of the principal improvements noted are as follows: About 8.4 per cent of the cross-ties in main line track, 8 per cent in the Stony Clove and Kaaterskill branch, and 9.3 per cent in the Hunter branch have been renewed; about 0.5 mile of 70-lb. rail in main line track has been laid, replacing 62-lb. rail; 7.7 miles of main line track, 1.18 miles of Stony Clove and Kaaterskill branch, and 0.25 mile of the Hunter branch have been re-ballasted with gravel and cinders; bridges Nos. 6, 7, 8, and 54 of the main line have been filled; Nos. 5 and 29 re-planked; No. 33 new deck and guard-rail put on; Nos. 50, 77, and 78 new elevation blocks put in; partial renewal of ties and guard-rail have been made on bridges Nos. 9, 10, 18, 21, 25, 28, 30, 50, 52, 61, 63, 69, 70, 74, 75, 76, 78, 79, 80, and 111; timber bent put under east end of bridge No. 64 on account of long carry; inside guard-rails have been placed on bridges Nos. 21, 24, 28, 30, 48, and 78; pile trestle No. 87 has had bent partially renewed, and No. 84 has been filled in. On the Stony Clove and Kaaterskill branch, bridge No. 100 has been filled in and abolished, and inside guard-rails have been placed on bridges Nos. 110 and 112; open culvert and cattle-pass No. 60A has had heavy stringers put in preparatory to rebuilding masonry; a new concrete box culvert has been built west of Brown station, and No. 64B west of Stamford has been replaced with 36-in. iron pipe and filling; quite extensive riprapping has been done at main line bridges Nos. 30, 41, 70, 75, and 76; 37 main line bridges have been re-painted, and 12 on the Stony Clove and Kaaterskill branch; extensive re-painting of stations and other buildings has been done at many points on the road; new combination freight and passenger stations have been erected at South Gilboa and Kortright; station at Hobart has been practically rebuilt and enlarged; new combination station built at South Kortright; necessary repairs and improvements have been made to other station buildings; general improvement has been made in the layout of tracks in the principal yards and quite extensive additions made to station and yard tracks; about 4 miles of woven wire fence have been erected, and quite extensive repairs made to other fences.

Recommendations: That the narrow cuts on the westerly portion of the main line be widened to provide room for maintenance of suitable ditches; that the foundation to abutments of bridges Nos. 108 and 109, Stony Clove and Kaaterskill branch, be underpinned, as apparently the water is washing below the bottom; that inside guard-rails be placed on the important bridges where now lacking; that the timber trestles in main line track between Bloomville and Oneonta be repaired, rebuilt, or replaced in the near future; that the masonry to open culverts and cattle-passes Nos. 43, 52A, 55A, 59A, 60A, and 64A of the main line be rebuilt; and that necessary renewal of the worn 62-lb. rail be made.

The recommendations contained in report of last inspection have been or are receiving proper attention.

J. D. SHULTZ,
Steam Railroad Inspector.

UNADILLA VALLEY RAILWAY.

Inspected August 12, 1909. Last previous inspection October 28, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the Unadilla Valley railway and respectfully submit the following report:

The road extends from New Berlin to Bridgewater, 19.14 miles with 1.85 miles sidings, and has no branches. At New Berlin it has a connection with the New York, Ontario and Western railway, New Berlin branch, each road having its own station. At Bridgewater it connects with the Delaware, Lackawanna and Western railroad, Richfield Springs branch, both roads using same station. The road is single tracked. Its principal outbound business is milk and farm products, and the inbound business is local coal supply, feed, and general merchandise. Generally the alignment is straight, the few curves it has are light, an exception to this being a curve of 6 degrees, three-eighths of a mile south of South Edmeston. The only grade of importance is about 1000 ft. long, 1 per cent, near Sweets station. The roadbed is of good width and the drainage fair. There are 2 steel bridges, one 40-ft. span, deck plate girder, and one 20-ft. span, 20-in. rolled beams, both in good condition. There are 15 timber trestles, most of them have poor ties and guard timbers. There are 26 open culverts and cattle-passes, and most of them require more or less tie and guard timber renewals. The box and pipe culverts appear to be in good condition.

The cross-ties are in fair condition and 6249 reported put in track since last inspection; additional tie renewals in progress. About 4.5 miles of main track are laid with 70-lb. rail and about 14.64 miles with 56-lb. rail. Splices are 24-in., 4-bolt angles, fully bolted but not always tight. Split switches and stiff rail frogs are used, and switch stands are provided with targets and lamps.

The ballast is gravel of sufficient quantity. The alignment is fair but the surface is not good, low joints being in evidence in most localities. The line is divided into three 3½ miles track sections, each having a foreman and 4 men, a total of 15; each section gang is provided with proper equipment for signaling trains; the patrolling or trackwalking is done by the section men. The highway crossings are well located so far as the view from them and from approaching trains is concerned; their approaches and planking are in fair condition and each is provided with cattle-guards and crossing-signs.

Train operation is conducted by means of telephone. There is seldom but one train at a time on the line, the exception generally being a work train which is given positive instructions as to its movements before commencing a day's work.

The station buildings while small appear sufficient for the requirements of the various stations.

Since last previous inspection the masonry of 1 cattle-pass has been rebuilt; 4 cattle-passes extensively repaired; the station buildings at West Edmeston and River Forks extensively repaired and re-painted; 1 mile of fence rebuilt and 5 miles repaired; 2 sidings, one at West Edmeston 120 ft. long, and one at Leonardsville 200 ft. long, have been built; the replacing of a wooden bridge structure by one of reinforced concrete about a mile north of New Berlin is noted.

Recommendations: The poor ties and guard timbers of various bridges, open culverts, and cattle-passes should be renewed this season, and the officials of the road promise that much of it will be done; the track bolts should be tightened at once, not only as a precaution but to reduce the wear of both rails and joint bars; considerable surfacing of track should be done before the winter season sets in or otherwise the track will be very rough, which not only causes excessive wear of track and equipment but is liable to cause derailments, especially in the event of handling equipment with defective running gear or that is badly loaded over a poorly aligned and surfaced track.

The recommendations of last year seem to have been pretty well complied with and the road generally well maintained.

W. L. DERR,
Inspector Steam Railroads.

UNITED STATES AND CANADA RAILROAD.

Inspected November 18, 1909. Last previous inspection November 11, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the United States and Canada railroad (operated by the Grand Trunk Railway Company) and respectfully submit the following report:

The United States and Canada railroad connects with the Rome, Watertown and Ogdensburg division of the New York Central and Hudson River railroad at Massena Springs and extends to the Canada line near Fort Covington, at which point it connects with a branch of the Grand Trunk railway extending to Montreal. The length of the road is 22.18 miles, single track, and it has approximately 1.25 miles of sidings and yard tracks. The general alignment is first class; the maximum curve is about 3 degrees. The grades are light and for much of the distance practically level. The road is constructed through a fairly level country and there are very light cuts and embankments. The roadway is well graded and properly drained.

There are 6 steel and iron bridges, 2 of them having 2 spans and the remaining 4 a single span each; 3 of the bridges have abutments of timber and 3 have masonry abutments, all however in good safe condition; the bridges are in good condition; they are rather light but sufficient for the motive power and rolling stock used; they are fairly well painted. The ties and guard timbers are of standard dimensions and in good repair; inside guard-rails are maintained on all. There are no wooden bridges in the roadway or for overhead highway or farm crossings, and no overhead obstructions. There are no timber trestles remaining in the roadway, all having been filled since the last inspection. There are 51 open culverts and cattle-passes constructed entirely of timber, the abutments being of squared timber or framed bents planked behind to support the embankments; all have wooden stringers, standard ties and guard timbers, and are in first-class condition. There are no arch culverts. The box culverts are constructed of cedar timber; they are in good condition, most of them having been renewed within the past few years.

The cross-ties, practically all cedar, are 6 x 8 in., 8 ft. in length, and laid at the rate of 2816 to the mile of track; they are in good condition, evenly spaced and full spiked. The track is laid entirely with 65-lb. steel rail, connected by angle plates 24 in. in length with 4 bolts; the rail is in very fair condition, all connections full bolted and bolts tight. All main-track switches are split point, mainly with rigid stands; all have proper targets. Switch lamps show red light for danger and green for safety. The frogs are rigid and are properly maintained. Blocks of timber secured to the tops of the rails are in use in place of derailing switches.

The track is ballasted with gravel and cinders in fair quantity. The alignment and surfacing of track are good and the outer rail on curve properly elevated for the speed at which the trains are scheduled. The track sections are about 6 miles in length and the force maintained on each consists of a foreman and 2 laborers in winter and 3 laborers in summer; each gang is furnished with flags, lanterns, and torpedoes, and all portions of the track are patrolled daily.

One track of the New York and Ottawa railway is crossed at grade at Helena, protected by an interlocking plant.

The right of way is free from trees, brush, and rubbish, and fenced with wire. The fences are getting somewhat out of repair and need attention. The highway crossings are well graded, properly planked, and protected by signs of the long board design extending across the traveled road. Wooden slat cattle-guards are maintained at each boundary of the highways crossed at grade.

The movements of trains are governed by the telegraphic train order system.

The station buildings are in good condition and properly furnished. The platforms are of plank and gravel and well maintained. The station grounds are well kept.

Since the last inspection about 10 per cent of the cross-ties have been

renewed; necessary repairs have been made to open culverts and cattle-passes; 5 timber trestles have been filled; some repairs have been made to fences.

Recommendation: That the fences be put in proper condition.

The recommendations contained in last annual report of inspection have been complied with.

J. D. SHULTZ,
Steam Railroad Inspector.

WESTERN NEW YORK AND PENNSYLVANIA RAILWAY.

Inspected August 23, and September 14, 15, 16, 1909. Last previous inspection June 29, 30, July 1, 2, 3, 1908.

To the Public Service Commission, Second District:

GENTLEMEN: I have made an inspection of the portions of the Western New York and Pennsylvania railway (operated by The Pennsylvania Railroad Company) in this State and respectfully submit the following report:

The Buffalo division main line, including the Union Terminal railway in Buffalo, extends from Babcock street, Buffalo, to the Pennsylvania-State line near White House, 78.78 miles first track, 18.26 miles second track, and 102.2 miles sidings and yard tracks; and has a branch freight line extending from a connection with the main line at Gardenville to the ore docks in South Buffalo, 6.66 miles main track. The Rochester branch main line extends from Rochester to Hinsdale on the main line of the Buffalo division, 98.53 miles main track and 32.3 miles sidings and yard tracks, and has the following named branches: Rochester freight branch, 2.38 miles track, Genesee Valley Terminal railroad, which extends from Rochester yard to a connection with the New York Central and Hudson River railroad just west of Rochester; Scottsville branch, which connects with the main line at Scottsville and extends to manufactories at Garbutts, 2.9 miles main track; and the Swains branch, extending from Nunda Junction on the main line to Nunda, 2.36 miles track: this line formerly extended to Swains on the line of the Pittsburg, Shawmut and Northern railroad, but the portion from Nunda to Swains which has been out of use for a number of years had track taken up and that portion of the road has been abandoned. The Chautauqua branch extends from the Pennsylvania-State line to a connection with the Buffalo division main line at East Buffalo, 85.9 miles main track and 17.1 miles sidings and yard tracks. The River division, Salamanca branch, extends from the Pennsylvania-State line near Wolf Run to a connection with the main line Buffalo division at Olean, 38.05 miles main track and 49.83 miles sidings and yard tracks.

The general alignment of the Buffalo division is very fair and most curves light: the maximum is 5 degrees, north of Ischua; the grades are also generally light and fairly regular: the maximum is 64 ft. per mile for about 2 miles, north of Lime Lake. The Rochester branch is extremely crooked and many curves sharp: the maximum is 15 degrees, north of Genesee Junction; the grades are long and steep and somewhat broken: the maximum is 79.2 ft. per mile, north of Rockville. The general alignment of the Chautauqua branch is very good and most curves light: the maximum is 7 degrees and 30 minutes, at Prospect; the grades are considerably steep and somewhat broken: the maximum is 79 ft. per mile for about 6 miles, in the vicinity of Prospect. The general alignment of the Salamanca branch, River division, is very fair: the maximum curve is 8 degrees, at Wolf Run; the grades are light and regular: the maximum is 16 ft. per mile, near Red House. The cuts and embankments of all the lines of road are of good width and proper slopes. The ditches are in excellent condition, having been thoroughly cleaned recently.

The steel and iron bridges are generally in good condition and fairly well painted; masonry of stone or concrete; the ties and guard timbers are of standard dimensions, generally well maintained, and inside guard-rails are in place on all the long ones. Bridge No. 34 of the Buffalo division is a very light structure; it is on bents pending renewal. No. 35 has bad masonry

and is also on bents; the ties on this bridge are also poor and need renewal. No. 49 has been damaged by wreck, is in very poor condition generally, and is also supported on bents pending renewal; this bridge should be replaced promptly; the bents under it are small and liable to be disturbed by ice; should those bents be taken out, the bridge would not be likely to carry a train in safety. On the Rochester division bridges 12, 13, and 16 are very light structures and should be replaced. Several other bridges of that branch are rather light and it is on the program to replace them, as it is expected that heavier power will be used on this branch and that it would be unsafe to use it with the present bridges. The bridges of the Chautauqua and Salamanca branches are in good condition throughout. There are no wooden bridges in the roadway of any of the lines.

All overhead obstructions less than 20 ft. above the track are protected by warning signals; there are 13 such on the Buffalo division, 11 on the Rochester branch main line, 1 on the Scottsville branch, and 7 on the Chautauqua branch; most of them are overhead railroad or street bridges in Buffalo and Rochester which can not well be raised, and to determine as to the others would necessitate a special survey in each case.

All the timber trestles are of pile or framed bent construction; the timber is of standard dimensions and generally in first-class repair. On the Buffalo division there are 6 such structures, on the Rochester branch 8, on the Chautauqua branch 11, and on the River division, Salamanca branch, 2. The only one to which attention was directed as needing attention at present was No. 43 on the Rochester branch, which has some poor timber in bents, stringers, and ties. The officials of the railroad company who accompanied your inspector advised that this and all other such matters to which attention was directed would be promptly taken care of. Nearly all open culverts and cattle-passes have good masonry and I-beam stringers, with standard ties and guard timbers generally in good condition; a few are constructed entirely of timber. No. 52 of the Buffalo division, constructed entirely of wood, is getting old and is to be renewed, and one without number, just south of Ischua, has bad masonry and is on bents pending renewal. On the Rochester branch there are 6 constructed entirely of timber; all are in good condition except one just north of Piffard which needs rebuilding. On the Chautauqua branch there are 7 constructed entirely of wood; they are in good condition. There was formerly a large number of such openings on this branch, but very extensive work has been done replacing them with masonry and I-beams, concrete boxes, or iron pipe and filling. All on the River division, Salamanca branch, have masonry and I-beams, in proper condition. The arch, box, and pipe culverts so far as could be observed were in good condition. At the place where the new line being constructed by the Erie Railroad Company crosses over the Rochester branch, near Oramel, the arch culvert which was built by the Erie Railroad Company for the passage of the trains of The Pennsylvania Railroad Company has failed, and the line of the Rochester branch has been changed temporarily to an opening made in the embankment of the Erie company; owing to the nature of the foundation it will be difficult to maintain an arch at this place.

The cross-ties on the Buffalo division are 6 x 7 in., 8 ft. long, 96 per cent oak and 4 per cent chestnut, laid 2560 to 2880 to the mile; on the Rochester branch, 7 x 7 in., 8 ft. 6 in. long, 86 per cent oak, 10 per cent chestnut, 3 per cent yellow pine, 1 per cent cedar, laid 2464 to 2880 to the mile; on the Chautauqua branch, 7 x 7 in., 8 ft. 6 in. long, 83 per cent oak and 17 per cent chestnut, laid 2816 to the mile; on the Salamanca branch of the River division, 7 x 7 in., 8 ft. 6 in. long, 94 per cent oak and 6 per cent chestnut, laid 3000 to the mile. The ties are in first-class condition and practically all renewals necessary this season have been made; they are well spaced and full spiked. Tie-plates are used on all soft wood ties and on curves.

The track is laid with steel rail: on the Buffalo division, 90.6 miles 85-lb., 11.9 miles 80-lb., 1.2 miles 67-lb.; Rochester branch, 3 miles 100-lb., 24.9 miles 85-lb., 20.7 miles 80-lb., 53.9 miles 67-lb., 2.38 miles 60-lb., 1.29 miles 56-lb.; Chautauqua branch, 85.14 miles 85-lb., 0.76 mile 70-lb.; Salamanca branch of River division, 13.76 miles 85-lb., 8.61 miles 70-lb., 13.14 miles

67-lb. The 100-lb. and the 85-lb. rails are connected by angle plates 34 in. in length with 6 bolts; the 80-lb. by angle plates 29 in. in length with 6 bolts; the 70-, 60-, and 56-lb. by angle plates 24 in. in length with 4 bolts; the 67-lb. by angle plates 26 in. in length with 4 bolts; and the 56-lb. by angle plates 20 in. in length with 4 bolts. The rail on the Buffalo division is in very good condition and renewals are being made as necessary; the 67-, 60-, and 56-lb. rails on the Rochester division are considerably worn and renewal is now being made. The rail on the Chautauqua division is in very fair condition and renewals are being made at the present time at places where considered necessary. The 67-lb. rail on the River division, Salamanca branch, is somewhat worn but is in fair condition. All the other rail is in good condition, all connections full bolted, and no loose bolts were observed. All main-track switches are split point, mainly with rigid stands; all have well painted targets; nearly all the switch stands of the Buffalo division, and at obscure places on the other divisions, have high targets, and at most obscure places and outlying switches there are distant signals connected with the switch stands. Switch and semaphore lamps show red light for danger and white for safety; green is used for caution. Nearly all main-track frogs are spring rail and are properly maintained. Derailing switches are in all sidings where their use appears necessary, but in most cases targets are lacking.

On the Buffalo division about 60 miles are well ballasted with broken stone and slag, the remainder with gravel and cinders in very fair quantity. The Rochester branch is ballasted with gravel, cinders, and slag in from fair to good quantity. The Chautauqua branch with gravel and cinders in fair quantity. The River division, Salamanca branch, with gravel, cinders, and slag in fair quantity. The alignment and surfacing of the track of all the lines are good, and the outer rail on curves properly elevated for the speed at which the trains are scheduled. The track sections of the Buffalo division are about 4 miles in length and the force employed upon each consists of a foreman and 6 laborers; of the Rochester branch, 4½ miles in length and the force consists of a foreman and 4 laborers; of the Chautauqua branch, 5.70 miles in length and the force consists of a foreman and 5 laborers; of the River division, Salamanca branch, 5 miles in length and the force consists of a foreman and 4 laborers; each gang is furnished with flags, lanterns, and torpedoes, and all portions of the road are patrolled daily by some member of the section force.

The Buffalo division has the following grade crossings of steam and electric railroads: At Emslie street, Buffalo, there is a double track crossing of the New York Central and Hudson River railroad tracks: this is also the connection with that railroad, the tracks of the New York Central railroad being used by the Pennsylvania railroad passenger trains between this point and Exchange Street station; the crossing is protected by an interlocking plant. At East Buffalo 1 track of the Buffalo Creek railroad and 4 tracks of the Erie railroad: the crossings are about 200 ft. apart and the movements of all trains are governed by signals located on a tower about midway between the crossings; signals on the same tower govern the crossing of the 4 tracks of the Erie railroad by the single track of the Chautauqua branch, and also the crossing of the 4 tracks of the Erie railroad by 1 track of the Buffalo Creek railroad. There are approximately 400 movements of trains or locomotives over these crossings daily. The signals are not interlocked. All trains are required to come to a full stop. This crossing should be protected by an interlocking plant, although the use of an interlocking plant would to a considerable extent retard the movements of trains there. At East Buffalo 2 tracks of the Delaware, Lackawanna and Western railroad: the crossing is protected by a proper interlocking plant. At Indian Church road 1 track of the Buffalo Southern railway (electric): there are no derailing switches in the track of the electric road and the copper trough over the trolley wire is in bad condition as well as being too short. At Winchester another track of the same railroad crosses: there are no derailing switches in the track of the electric road and the copper trough over the trolley wire is too short. At Ebenezer 2 tracks of the Buffalo Terminal rail-

way (operated by The New York Central and Hudson River Railroad Company): the crossing is protected by a proper interlocking plant. At Machias Junction 1 track of the Buffalo, Rochester and Pittsburgh railway: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. At Olean 2 tracks of the Erie railroad: the crossing is protected by an interlocking plant. On Union street, Olean, 1 track of the Western New York and Pennsylvania Traction Company: there are no derails in the track of the electric road but a proper protection over the trolley wire. At South Olean another track of the same railway crosses: there are derails in the track of the electric road and proper protection over the trolley wire. At White House still another track of the same railway crosses: there are derails in the track of the electric road and a proper protection over the trolley wire. At White House 1 track of the Pittsburg, Shawmut and Northern railroad, protected by a proper interlocking plant.

The Rochester branch crosses at grade the following: On Plymouth avenue, Rochester, 2 tracks of the Rochester railway (electric): there are derailing switches in the track of the electric road and proper protection over the trolley wire. At Genesee Junction 2 tracks of the West Shore railroad (operated by The New York Central and Hudson River Railroad Company): the crossing is protected by gates and all trains are required to come to a full stop. At Mount Morris 2 tracks of the Delaware, Lackawanna and Western railroad: the crossing is protected by a proper interlocking plant. Near Rochester the Genesee Valley Terminal, a freight branch, crosses 3 tracks of the Buffalo, Rochester and Pittsburgh railway: the crossing is protected by a tilting board signal; all trains of the Pennsylvania railroad come to a full stop; those of the Buffalo, Rochester and Pittsburgh do not stop if the signals are in their favor.

Near Mayville the Chautauqua branch crosses at grade 1 track of the Jamestown, Chautauqua and Lake Erie railroad: the crossing is protected by a proper interlocking plant. At Dunkirk 1 track of the Dunkirk and Fredonia railroad (electric): there is a derail on one side of the steam railroad track in the electric railroad, but it is not used; there is a proper protection over the trolley wire. At Dunkirk 1 track of the Dunkirk, Allegheny Valley and Pittsburgh railroad: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. North of Dunkirk 1 track of the Allegheny division of the Erie railroad: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. At Blasdell 1 track of the Buffalo and Southwestern branch of the Erie railroad: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. At South Buffalo 2 tracks of the Buffalo Creek railroad: the crossing is protected by a tilting board signal, and all trains are required to come to a full stop. At Smith street, Buffalo, 2 tracks of the Delaware, Lackawanna and Western railroad: the crossing is protected by disc signals located on a tower, and all trains are required to come to a full stop; this is a dangerous crossing, and especially referred to in the reports on the Buffalo Creek and the Delaware, Lackawanna and Western railroads, and your Commission has under consideration the question of its elimination. At East Buffalo 4 tracks of the Erie railroad: the crossing is protected by signals located on a tower, and especially referred to in the report of grade crossings of the Buffalo division. Near Olean the Salamanca branch of the River division crosses at grade 1 track of the Western New York and Pennsylvania Traction Company's road (electric): there are derailing switches in the track of the electric road, but no protection over the trolley wire. At Riverside 1 track of the Buffalo, Rochester and Pittsburgh railway and 1 track of the Bradford division of the Erie railroad: the crossings are nearly alongside and are protected by a tilting board signal, and all trains are required to come to a full stop.

The right of way is free from trees, brush, and rubbish except where brush is left to protect slopes on the River division. The fences are generally of wire and in very good repair. The highway crossings are properly graded, well planked, and protected by signs of the diamond, triangular, or oval form, suitably located and well painted. Wooden or metallic slat cattle-

guards with proper guard-fences are maintained at each boundary of the highways crossed at grade. On the Buffalo division there are 2 crossings protected by flagmen and gates, 7 by flagmen, 2 by electric bells, 89 by crossing-signs; on the Rochester branch 5 by flagmen and 94 by crossing-signs; on the Chautauqua branch 1 by flagman and gates, 14 by flagmen, 2 by electric bells, 98 by crossing-signs; on the Salamanca branch River division 1 by flagman and 25 by crossing-signs.

The movements of trains are governed by the telegraphic block signal system, being absolute for passenger trains and permissive for freights.

The station buildings are in good repair, clean and neat, and in good sanitary condition; water for drinking is provided, and time-tables posted in the waiting rooms. The fire protection consists of fire pails and water in barrels, and at some of the larger stations fire extinguishers and hose. The station platforms are mainly of plank and are properly maintained. The station grounds are well kept. All station employees are uniformed and wear badges indicating employment.

The principal repairs and improvements noted as made since the last inspection are as follows: About 9 per cent of the ties on the Buffalo division, 15 per cent on the Rochester branch, 9 per cent on the Chautauqua branch, and 14 per cent on the River division, Salamanca branch, have been renewed; 5.5 miles of 85-lb. rail have been laid on the Buffalo division, replacing worn 85-lb. rail, and new rail is now being laid on the Buffalo division and Rochester and Chautauqua branches; 19.5 miles of the Buffalo division have been re-ballasted with slag, 9.3 miles with cinders, and 1.1 miles with gravel; 7.8 miles of the Rochester branch with slag, 16.2 miles with gravel, and 6.1 miles with cinders; 9.46 miles of the Chautauqua branch with slag and cinders and 8.3 miles with gravel; 0.30 mile of the River division, Salamanca branch, with slag, 2.4 miles with cinders, and 3.5 miles with gravel; on the Buffalo division bridge No. 20 has had wooden stringers replaced with I-beams; No. 19, an I-beam span, has been replaced with iron pipe and filling, No. 58, covering 4 tracks, has had I-beam span replaced with iron pipe and filling; 1 timber trestle on the Buffalo division has been replaced with an iron bridge, and 2 with box culverts and filling; on the Chautauqua branch 1 has been replaced with concrete box culvert and filling, and 10 have been extensively repaired; on the Buffalo division 4 open culverts and cattle-passes have been rebuilt and 1 cattle-pass filled, and on the Chautauqua branch 1 cattle-pass has been filled; on the Buffalo division 11 box culverts have been replaced with castiron pipe; on the Chautauqua branch 1 abutment to bridge No. 10 has been reinforced, and 1 abutment and pier to the flood bridge just west of Irving rebuilt; 22 bridges of the Buffalo division and 7 of the Rochester branch have been re-painted; repairs and additions to station and other buildings have been made as follows: on the Buffalo division at Holland the passenger station platform has been raised and rebuilt; at Protection, Chaffee, Arcade, and Hinsdale, passenger station platforms raised and repaired; new tool houses built at Buffalo, Holland, Protection, and Hinsdale; new water tank erected at Arcade; new office building at Olean; new pumping station at East Aurora; new closet at Erie Junction, Buffalo, and extensive repairs made to coal wharf at Buffalo; new shop, floor to roundhouse, and machine shop at Olean; and extensive repairs made to water station at Chaffee; on the Rochester branch at Fowlerville and Piffard station buildings have been thoroughly repaired; Portage has had station raised, re-silled, and floor repaired; roofs have been renewed to the station buildings at Tuscarora and Caneadea; new tool house built at Caneadea; passenger and freight station at Sonyea painted throughout; on the Chautauqua branch a new passenger shelter has been built at Sheridan; new watch boxes at Maple avenue, Blasdell, and at Center street, Brocton; new tool houses at Angola, Dunkirk, and Woleben; necessary repairs have been made to other station buildings, and painting done where necessary; 37.4 miles of right of way fence have been rebuilt on the Buffalo division, 13.2 miles on the Rochester branch, and 8.4 miles extensively repaired; 2 miles renewed on the Chautauqua branch, and 4 miles extensively repaired. The general condition of the property shows continued improvement.

Recommendations: That bridge No. 49 of the Buffalo division be replaced promptly; that the masonry to bridge No. 35 be rebuilt, and ties and guard timbers renewed; that the light bridges on the Rochester branch, especially Nos. 12, 13, and 16, be replaced in the near future, and that necessary repairs be made to trestle No. 43 of that branch; that open culverts and cattle-passes No. 52 and the one without number, just south of Ischua, be promptly rebuilt; that proper targets be put on the stands of derailing switches; and that the matter of putting in an interlocking plant at the crossing of the Erie railroad tracks at East Buffalo be given careful consideration.

J. D. SHULTZ,
Steam Railroad Inspector.

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